

**OFFICE OF THE  
ORANGE COUNTY DISTRICT ATTORNEY**

**2002 ANNUAL  
GANG CASES REPORT**

**INCLUDING THE GANG UNIT  
THE REGIONAL GANG ENFORCEMENT TEAM  
(RGET)  
& THE TRI-AGENCY RESOURCE GANG ENFORCEMENT TEAMS  
(TARGET)**



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OCTOBER 2003**

## **COMMENT ON DATA COLLECTION**

The 2002 Annual Gang Cases Report is intended to provide information regarding trends of gang activity over the last five years. The first section of the report is compiled from the Office of the District Attorney Case Tracking System. This system is currently under review in preparation for a transition to a Case Management System.

The Office has been in the process of correcting/updating data and troubleshooting procedural and systemic anomalies throughout the year, while converting to the new Case Management System. This system will feature a separate statistical module to facilitate data accessibility. Once the new system is fully implemented, the quality of the data will increase in terms of their validity and reliability. Due to the conversion under way, the data reported here may not accurately depict exact case activity during the year, but do give a good indication of the overall performance and activities of the Gang unit throughout 2002.

This report also details the special work of TARGET teams throughout the County. The data presented for the TARGET teams are reported directly from the field. Every month the police, prosecution, and probation team members supply data to the Office the District Attorney's Research Unit. The Office of the District Attorney's Research Unit is aware of the methodological issues related to self-reported data, particularly when staff changes occurring throughout the year may affect the consistency of the methodology used to record monthly activities.

The Research Unit has made every effort to provide all TARGET team members with standardized procedures for reporting their data, but recording errors may still occur. In an attempt to maintain the most accurate statistics possible, TARGET data are compiled on a quarterly basis, and the TARGET Supervisors are asked to revise or verify as needed. The Office of the District Attorney believes that the record keeping of monthly activities by TARGET staff provides milestones for TARGET teams that can be used to justify resources and measure productivity.

## EXECUTIVE SUMMARY

### The Scope of Gang-Involved Crime in 2002

- At the end of 2002, there were 150 more gang members and 8 more gangs than at the end of 2001. The total number of gang members was 17,456 at the end of 2002.
  - There were 36 gang-related homicides in Orange County in 2002. *This is an overall increase from the previous four years and an increase from 2001, but still half the number in the peak year of 1994. As compared to other years and assault numbers, this number seems to be a statistical anomaly.*
- Thru October of 2003, CalGang reports 15,987 active gang members and only 17 gang-related homicides.

### Anti-Gang Prosecution Efforts in General

- Criminal charges were filed against 1058 gang and adult gang-related defendants in 2002, with most offense types decreasing; violent offenses declined only slightly.
- Although the number of violent offense filings has declined, it is becoming a larger proportion of **all** the filings handled by the District Attorney's Office.
- The Gang and Target unit conducted 59 trials of gang members, with a 92.5% conviction rate.
  - 187 gang members were committed to state prison; and 13 others were sent to the California Youth Authority.

### The Regional Gang Enforcement Team's Efforts

- There were 25 arrests made, including a homicide, weapons cases, drug sales, and identity thefts.
- Approximately \$1 million in assets were seized.
- \$500,000 in counterfeit currency manufactured in Columbia was seized.
- RGET team members provided 4,098 hours of gang investigation and 2,475 hours of training to law enforcement personnel.

### TARGET Program Prosecution Efforts

- There were 1,221 targeted gang members at year-end, essentially the same as 2001, but there were fewer Teams and resources.
- There were 503 arrests of targeted gang members and 1,346 arrests of non-targeted gang members.
- TARGET teams seized 120 firearms, bringing the 5-year total to 866.
- TARGET deputy district attorneys filed cases against 358 targeted gang members and 43 co-defendants during 2002; 84% of defendants were kept in custody and off the streets throughout the prosecution process.
- There were 144 commitments of targeted gang members to state prison or the California Youth Authority in 2002, with 202 additional commitments to jails or local juvenile facilities.
- The average probation caseload of all teams was 275 targeted gang members and 209 "non-targeted" gang members; 87% of "targets" were on formal "gang terms" of probation.
- There were 1,390 probation searches and 240 probation violation filings against "targets."

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October 2003

## ***A Letter From the Orange County District Attorney***

*Over the years, numerous studies have underscored the fact that gang members are responsible for a statistically disproportionate amount of crime. Criminal street gangs and the chaos they create are among the foremost obstacles to the citizens' basic right to live in their community free from fear and victimization. I believe that combating this scourge is of the highest priority.*

*Many factors are contributing to make this a difficult battle to wage. Prosecution, police and probation agencies are facing severe staffing and budget shortages. Proposition 36, which curtailed the ability to prosecute drug cases, has kept gang member drug offenders on the streets. The "Echo Boom" has resulted in demographic increases in persons in their peak gang and crime involvement years.*

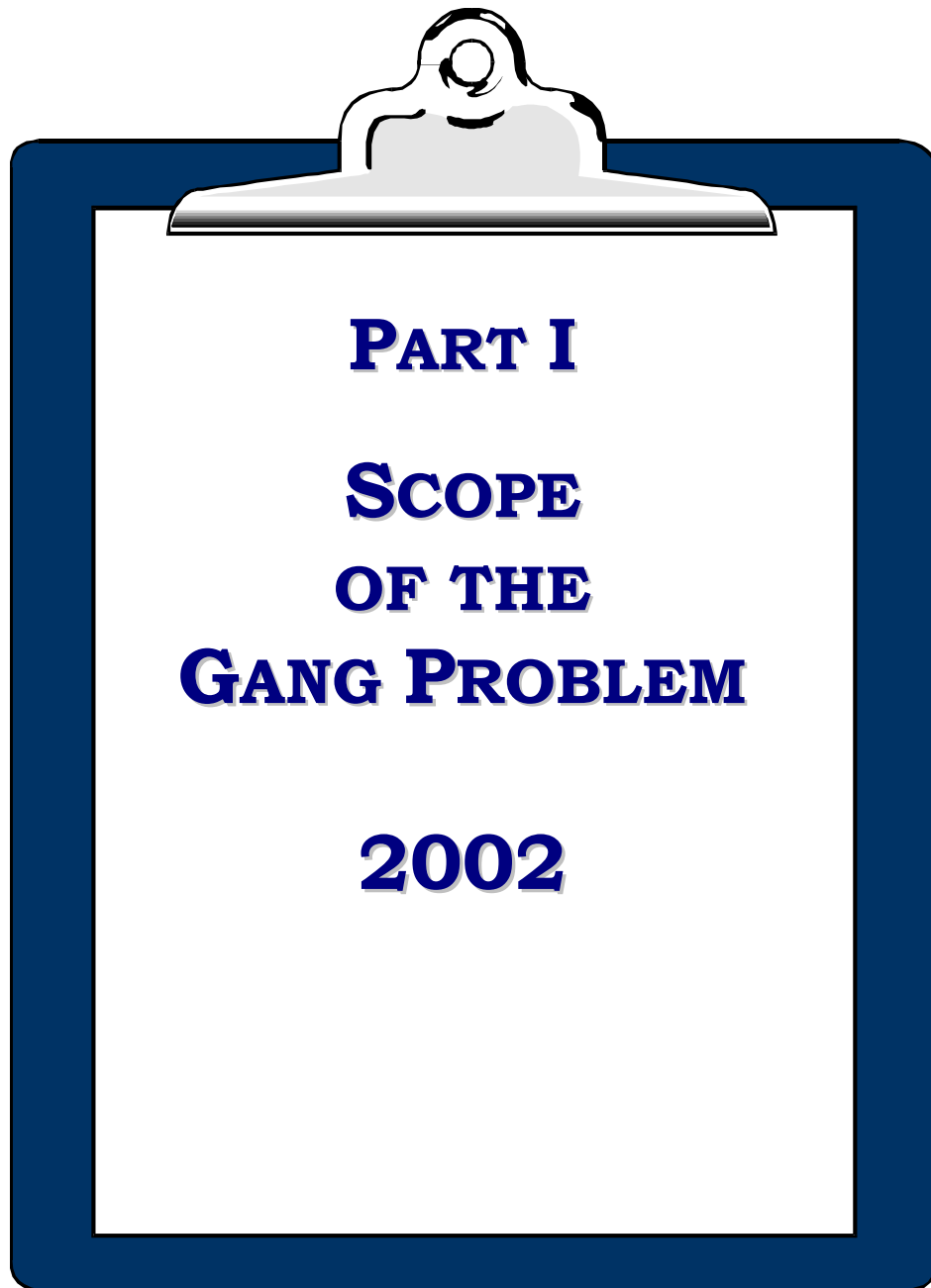
*Predictably, gang membership and violent activity is on the rise. It is important to note, however, the 2002 crime levels were still far below those of the 1990's. It is my intention that they remain low. For this reason, I will continue to direct all necessary resources to stop gang crime. Orange County will remain a state and national leader in innovative programs that successfully attack and root out gang activity. The TARGET and Gang Units will continue to be staffed by top-flight, aggressive prosecutors dedicated to eradicating gangs. Their effectiveness in 2002 can be seen in the results. Overall, 91.5% of all gang cases end in conviction.*

*In 2002, this office successfully prosecuted over 900 gang cases. One such example includes a case involving a drive-by shooting, where the driver was shot and killed by his own fellow gang member who was sitting in the front passenger seat. The shooter was convicted of murder and received multiple life sentences. By using special rules that apply to gangs, another gang member was convicted of aiding and abetting the murder of two 15-year olds. This gang member was sentenced to life in prison without the possibility of parole.*

*The message must be sent that participation in gangs is a dead-end street. To that end, our resources will be devoted to our youth in gang prevention programs as well as aggressive prosecution. Our united law enforcement front must make it clear to those attracted to the criminal street gang life: either stay away from criminal street gangs and grow up and prosper, or join a gang and grow old in prison.*

*Tommy Lachar*

Orange County District Attorney



## OVERVIEW OF THE GANG PROBLEM IN ORANGE COUNTY



This report is the latest in a series of annual reports that attempts to summarize the efforts of the Office of the District Attorney, often in collaboration with other agencies, in combating gang crime in Orange County. In general, the statistics for 2002 indicate that there is still a genuine cause for concern. Although a majority of crime indicators are down, it is important to note that anti-gang resources also declined in the county during 2002. This is not an assertion of “cause and effect” (that gang crime increases because anti-gang resources decline), but the correspondence should be noted in future discussions concerning resource allocation.

The state attorney general recently reported (Organized Crime in California, 2002) that gang-related crimes are on the rise in some parts of the state, with the percentage of gang-related homicides increasing since 2000. This fact is reflected in the Orange County gang-related homicide statistics for the last two years. For the second year in a row, the number of Orange County gang members reported in the CalGangs database shows an increase over the previous year.

This report is designed to present a picture of the scope of gang crime in Orange County and the level of effort by the Office of the District Attorney, acting in concert with law enforcement agencies and the Orange County Probation Department. The information is presented in both narrative and statistical formats, based on data generated by collaborative law enforcement efforts. The statistical and narrative information is presented in such a way as to provide a framework for understanding the level of effort among the multi-disciplinary teams involved in reducing gang crime in Orange County. Five years of data are displayed to show recent crime trends.<sup>1</sup>

It must be recognized that the gang problem in Orange County is too complex to be completely described by citing statistical summaries and trends, or by providing brief narrative descriptions. This report hopes to put some definition to the size and scope of the problem and to the efforts against gang crime in the county. The devotion of substantial resources by police agencies, the Probation Department, and the Office of the District Attorney continues to lead to the removal of many violent gang members from the streets.



In 2002, two of the 12 TARGET teams were disbanded, with resources and responsibilities shifted to other units. Resource constraints forced units to reorganize and reassign staff. However, agency officials know that we must remain proactive and that our efforts need to continue to be substantial. Some of the most vicious gang leaders removed in earlier years are starting to return from prison to their old neighborhoods. There are still too many neighborhoods pervaded by fear of gangs. Gang members are heavily armed and striking outside their neighborhoods. This combination of mobility and lethality adds to everyone's concern.

An example of the heinous nature of these crimes was the killing of a Santa Ana grandmother on Easter Sunday of 2000. The murder occurred as a result of a drive by shooting by three members of one Orange County gang against members of another Orange County gang. The victim was serving food in the front porch of her home when a bullet intended for the rival gang members struck her. The shooter of the bullet that killed the victim was the first juvenile to be prosecuted under Prop 21, which allows direct filings to adult court for juveniles over the age of 16 who commit offenses such as murder. Both shooters were convicted by a jury of second-degree murder and received life sentences for this callous killing. The driver is believed to be in Mexico.

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<sup>1</sup> *It must be noted that changes occur in how numerical data are collected. Data are collected from many agencies outside the District Attorney's Office, and the authors of this report are not always aware of changes in collection or reporting procedures. Different persons gather and report the data at different times during the year. Changes in personnel often lead to changes in program emphases. Communities change their goals as well, shifting resources from one type of program to another. These possible changes in persons and methods mean that, comparisons between this year's statistics and those of other years should be made with caution.*





According to the California Department of Justice Crime Index figures (preliminary 2002 report), the total number of all reported crimes (including gang crime) in seven categories (homicide, rape, assault, robbery, burglary, auto theft, & arson) rose over 7% in the first half of 2002. This follows a leveling off between 2000 and 2001 of rates that had been steadily declining since 1994. A number of other reports also indicate that declining crime trends may have ceased. The tabulation of gang-related homicides in the county rose dramatically in 2002 to 36, up from 18 the year before. This is still just half of the peak number of 74 in 1994. District Attorney gang-member defendant filings dropped again in 2002, even though homicide filings

increased from 2001. Filings of "Other Violent Offenses" decreased much less than non-violent offense filings did.

There are other areas that add to this mixed picture. The CalGangs System database added about two new gang members each week. These gang members replace some of those who are no longer active or who have been imprisoned through effective prosecution efforts. A continuing "recessionary" economy leads to increased needs by many individuals, some of whom will find gang activities a way of filling these needs. Drug dealing seems to be becoming an increasingly important revenue generator for gangs. A grant that combats gang crime through focusing on drug money laundering is one of the responses by the Office of the District Attorney to this increasingly important aspect of gang crime.

The final note that must be included in these introductory remarks pertains to two significant changes, indicative of the shifts in resources in the fight against gang crime. First, this report does not include a section on gang incidents. This unique tracking program, which compiled police reports on all incidents, not just those with arrests, had its funding end June 30, 2001. It was initially hoped that the CalGangs program might be able to continue to collect and compile this data, but there were not sufficient resources to enable this to happen. Counts of general incidents and information on drug involvement, number of innocent victims, and other key items are no longer available. Federal funding for the Regional Gang Enforcement (RGET) Team ended in 2002. This will be that last report with a section on RGET accomplishments. The loss of these two programs increases the concerns of those charged with combating gang crime on whether they will have the resources needed to do their job.

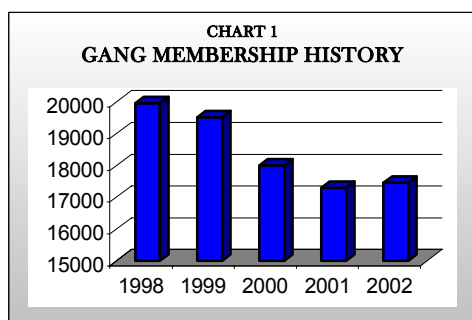
The summary numbers reported in the next section focus on gang cases prosecuted by the District Attorney Gang Unit, the Regional Gang Enforcement Team (see Part II), the TARGET Unit (see Part III), the District Attorney's Juvenile Unit, and regular felony prosecution units in the branch courts. The number of filings by the Gang Unit and the other specialized anti-gang programs mentioned here show slight decreases, reflecting drops in the numbers of staff persons assigned to these units.

One significant methodological change from previous annual reports must be mentioned. All juvenile "gang-related" cases have been dropped from the data. "Gang-related" cases are those cases not completed by specialized anti-gang units, but noted as such by the prosecuting deputy. While the criteria used to determine if a case is "gang-related" has been consistently applied over the years, the Juvenile Unit discovered several years ago that very broad "gang-involved" definitions were used. This resulted in a very large number of juvenile petitions (around 1,000) being designated as "gang-related." Revising the criteria and retraining staff on "gang-motivated" definitions has reduced the number of petitions designated in 2002 to about 20. In order to make comparisons more valid, the number associated with juvenile cases has been dropped from the data compilations for all years in this report. The Gang, TARGET, and RGET units continue to prosecute documented gang members. Gang membership is enough to label the case and defendant. Adult "gang-related" cases continue to use a loose definition. The prosecuting attorney makes the determination of "gang-related" based on the police report and prior police documentation of "gang-related".



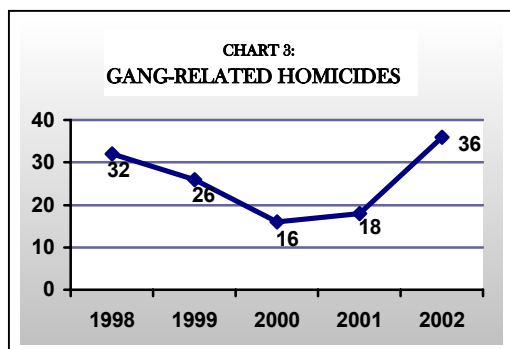
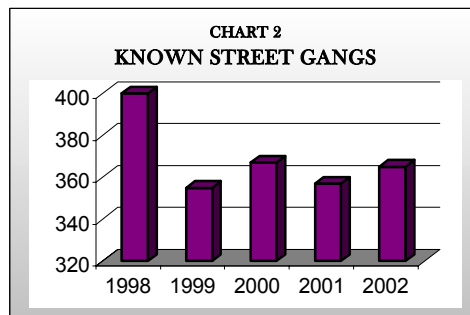
## SUMMARY OF ANTI-GANG EFFORTS

### A. Key Gang Crime Indicators – the CalGang Database



“leveling off”), the number of gang members at the end of 2002 was 12.6% below the 1998 figure.

Just one of the gangs operating in Orange County in 2001 was completely eliminated during 2002. Unfortunately, nine new gangs were identified during the year (see Chart 2). This means that there were 365 identified gangs operating in Orange County at the end of 2002, compared to 400 at the end of 1998.



Probably the most significant result of the changes occurring in gang activities is the substantial increase in reported gang-related homicides, as displayed in Chart 3. 2 Homicides reported as “gang-related” peaked at 74 in 1994, when some of the special anti-gang efforts began in earnest. After dropping steadily since 1994, the number of homicides labeled as “gang-related” increased slightly in 2001. However, homicides doubled between 2001 and 2002. While this is just one statistic among many, it is a number of great concern to all Orange County residents, affecting their feelings of safety and security.

While these key CalGangs numbers reflect the progress over time that has been made with the devotion of resources to combating gang crime and the collaborative efforts of local police agencies, the Office of the District Attorney, the Courts, and the Probation Department, the recent increases demonstrate the importance of continuing to devote sufficient resources in this area.

### B. Gang Filings - Office of the District Attorney's

As was mentioned in the methodological overview, the filing counts in Table 1 (see page 5) have been adjusted from previous years by removing the juvenile “gang-related” figures. This removes a few gang crimes along with the large differences owing to changes in policies and procedures. Retaining the adult “gang-related” category to some extent “balances” the removal of the juvenile crimes by retaining some crimes under different definitions of “gang-related.” The importance of the numbers is not in their specifics, but in their general size and characteristics, and their change from year to year. In 2002, there were 1058 filings of criminal charges against gang members. STEP (Street Terrorism Enforcement and Prevention) Act charges and/or enhancements were included in nearly all cases (see Table 1). The number of filings with gang designations has been steadily dropping since 1999. To a large extent this reflects the earlier successes of anti-gang efforts.

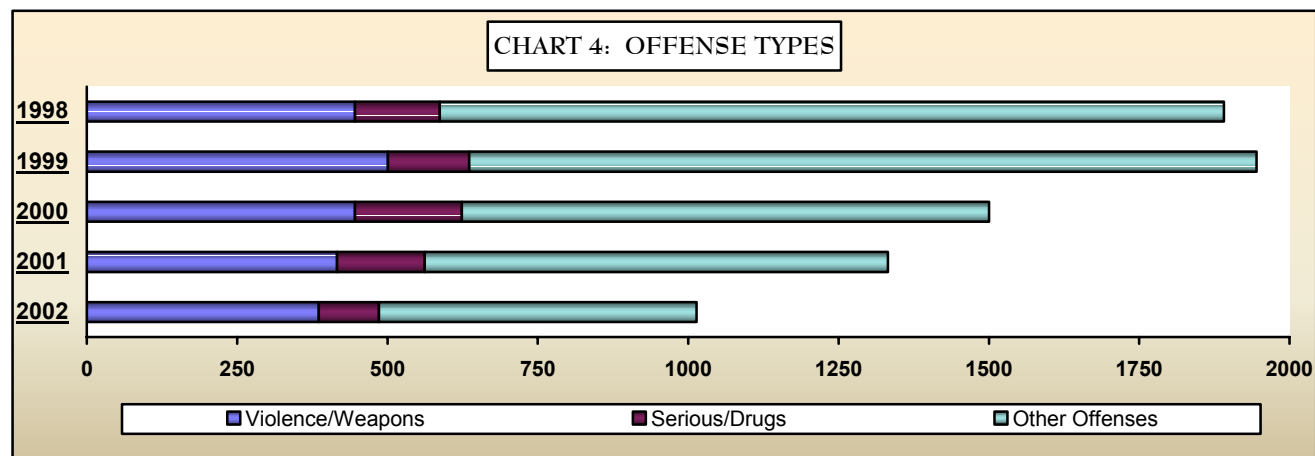
2 CalGang counts “gang-related” homicides as the number of deceased persons. One incident resulting in two deaths would be counted as two “gang-related” homicides.

**TABLE 1:  
Office Wide Gang and “Gang-Related” Defendant Filings by Offense  
1998-2002**

	1998	1999	2000*	2001	2002	% Change 2001-2002	% Change 1998-2002
Homicide	45	58	45	48	59	22.92%	31.11%
Other Violent Offenses <sup>(1)</sup>	328	331	307	293	285	-2.73%	-13.11%
Weapons Offenses	73	112	94	75	42	-44.00%	-42.47%
Drug Offenses	52	69	76	54	38	-29.63%	-26.92%
Other Serious Offenses <sup>(2)</sup>	89	66	102	92	62	-32.61%	-30.34%
Vandalism	41	26	33	34	37	8.82%	-9.76%
Other Offenses	1304	1309	877	650	535	-31.43%	-59.51%
<b>TOTAL FILINGS</b>	<b>1932</b>	<b>1971</b>	<b>1246</b>	<b>1246</b>	<b>1058</b>	<b>-15.09%</b>	<b>-45.24%</b>
STEP Act (A)	467	586	558	627	625	-0.3%	33.8%
STEP Act (B) <sup>(3)</sup>	2074	2321	1827	1515	1530	1.0%	-26.2%

1. "Other Violent Offenses" include: Attempted Homicide, Assault, Robbery and Shooting into a Dwelling.
2. "Other Serious Offenses" include: Burglary and Grand Theft Auto.
3. Step Act (B) includes multiple counts with same defendants.
4. Probation violation filings were added to the 'Other Offenses' category.<sup>3</sup>

Chart 4 displays the number of criminal offenses filed by prosecutors in all sections of the Office of the District Attorney against gang members in the past five years (not limited to Gang or TARGET unit prosecutors). This is a visual representation of the data in Table 1, combining some categories to simplify the display.



- *Violent/Weapons filings declined proportionally less than “all filings.”*

After increasing between 1998 and 1999, filings for violent/weapons offenses (including homicides) declined in 2000 and 2001. This decline continued in 2002, with the entire decline occurring in weapons offenses – the number of violent offenses remained steady between 2000 and 2001 and the number of homicides rose. The rise in homicide filings reflects earlier efforts to clear old, unsolved cases plus the substantial increase in new cases. Although the number of violent offense filings has declined, it is becoming a larger proportion of **all** the filings handled by the District Attorney’s Office.

3 Juvenile probation violation filings declined substantially. Both the Office of the District Attorney and Probation Department believe that the decrease is reflecting a change in procedure and not a decrease in the number of probation violations committed by juvenile gang members. Proposition 21 passed about the same time that Orange County experienced the decline in violations (2000). The effect this law is having on the juvenile probation violation rate is still being debated.

Filings for “serious” and drug offenses decreased again in 2002 after rising between 1998 and 2000.

The number of filings with STEP Act charges (A) leveled off, but is still about 32% higher than in 1998. The total number of STEP Act (B) enhancements decreased again, but still exceeds the number of filings. The relatively high level of filings of enhancements continues to demonstrate the aggressive approach of the Office of the District Attorney to gang-related filings.

An example of gang violence is the homicide that occurred at The Block of Orange shopping center. This homicide involved members of an Orange County gang and one from the San Gabriel Valley. In October of 2000, the two rival gangs met at the Block and a fight ensued. Three members of the Orange County gang were stabbed, one fatally. This marked the first homicide at the Block since it opened. The investigation by Orange PD lasted seven months, concluding with the arrest of seven members of the San Gabriel Valley gang. The case was prosecuted under several theories of liability, including the natural and probable consequence theory for the non-armed gang members. During the prosecution of the case one of the defendants was killed, while out on bail. Four defendants pled guilty to various charges. A jury ultimately convicted the remaining two defendants of second-degree murder after a six-week trial. One gang member who participated in the incident, but was not the actual stabber, was a “third striker” who received a sentence of 93 years to life. The stabber received 46 years to life for the murder.

**TABLE 2:  
Office Wide Gang and “Gang-Related” Case Information  
1998-2002**

	1998	1999	2000	2001	2002
<b>TOTAL FILINGS</b>	<b>1932</b>	<b>1971</b>	<b>1534</b>	<b>1243</b>	<b>1058</b>
% <i>Rejected</i>	10.4%	10.9%	8.6%	9.5%	8.3%
% <i>Dismissed</i>	5.6%	7.1%	7.7%	8.3%	5.4%
% <i>Preliminary Hearing</i>	12.5%	11.4%	11.9%	14.8%	18.3%
% <i>Plead</i> <sup>(1)</sup>	64.3%	64.2%	65.9%	62.8%	62.4%
% <i>Trial</i>	7.1%	6.4%	5.9%	4.6%	5.6%
% <i>Guilty</i> <sup>(2)</sup>	93.3%	90.3%	92.2%	89.3%	92.5%
<b>Overall Conviction Rate</b> <sup>(3)</sup>	<b>92.1%</b>	<b>90.2%</b>	<b>89.8%</b>	<b>88.4%</b>	<b>91.5%</b>
<b>"707" Fitness Hearings</b> <sup>(4)</sup>	<b>68</b>	<b>51</b>	<b>21</b>	<b>31</b>	<b>14</b>
<b>Direct Filing</b>	<b>n/a</b>	<b>n/a</b>	<b>18</b>	<b>9</b>	<b>45</b>

(1) Pleas are determined by subtracting the number of trials from the total number sentenced.

(2) Since mistrials and trials with hung juries can be retried, they are omitted in calculating "% Guilty."

(3) The overall conviction rate is the number of pleas and trials with guilty verdicts compared to all resolved defendants (convicted plus "not guilty" trials and dismissals).

(4) "707" fitness hearings determine if a juvenile should be prosecuted in adult court.

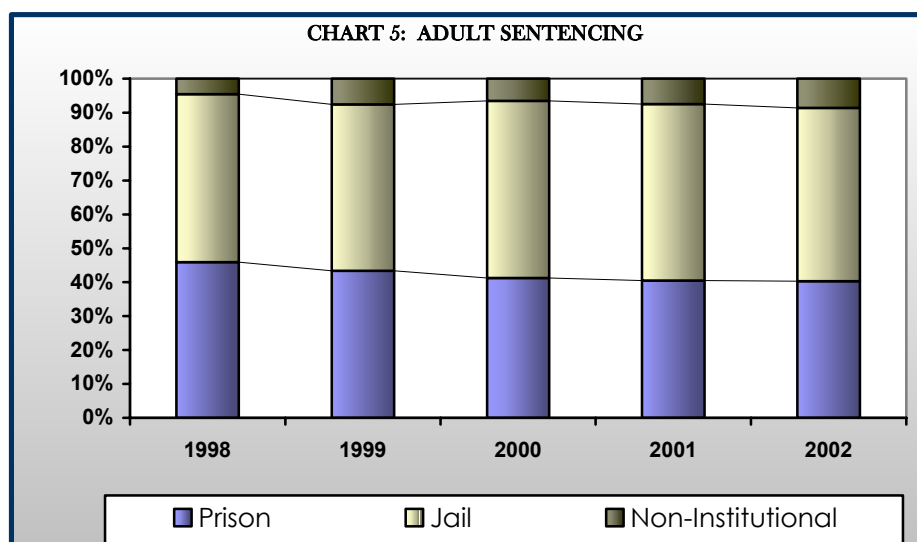
In 2002 the Office of the District Attorney conducted 59 trials involving gang and “gang-related” defendants, with a 93% conviction rate in completed trials. There has been a significant decline in the number of trials over the past few years, but this is a result of fewer cases being filed. The percentage of cases that go to trial has remained consistent over the last five years (between 5-7% of filed cases go to court every year). This last year fewer cases were rejected and more cases had a preliminary hearing than any year since 1998. Over the past five years nearly 92% of completed court trials (excluding hung juries and mistrials which can be retried) have resulted in convictions, a remarkable record. Gang trials are very complex, difficult, and are often lengthy. Witnesses are reluctant to testify and gang members often try to shift responsibility, shade the truth by denying any knowledge of the incident, or fail to cooperate in any sense. The Office of the District Attorney has aggressively pursued even the most difficult cases. Achievement of over a 90% conviction rate

for the past five years is an excellent record and continues to reflect the dedication and professionalism of those in law enforcement, those in probation supervision, and the prosecutors and District Attorney investigators working gang cases.

The number of Welfare and Institutions code section “707” Petitions filed (where, due to the seriousness of the charges, a request is made to try a juvenile in adult court) jumped in 2001 from its low level in 2000, but fell again in 2002. To a great extent, these changes reflect the changes in “direct filing.” Proposition 21, passed in 2000, allowed some cases with juvenile defendants to go directly to adult court without a 707 hearing. This procedure was challenged in the courts in 2001 and eventually upheld. Many “direct filing” cases were processed back through the “707” hearing system, increasing these numbers and lowering the total “direct files” to nine. The combined total of “707 remands” and “direct files” in 2001 was 40, essentially the same as in 2000 and lower than in 1998 and 1999. With 45 direct filings in 2001, a combined 59 juveniles had their cases heard in adult court. This is a substantial increase over 2000 and 2001, and is the second highest in the past five years.

One case completed in 2002 illustrates many of the complexities of gang cases and the time and effort it takes to resolve them. Briefly, in December 1995, four gang members drove to another gang’s turf looking to exact payback for the murder of one of their own members a few months earlier. The car carrying the gang members contained at least three firearms. When the lead defendant and fellow gang members arrived in the other gang’s area, they were surprised to find their intended targets were on the driver side of their car instead of the passenger side. The front passenger proceeded to fire across the car from within it. He succeeded in killing his own driver, while bullets also struck several individuals outside the car. This case was not filed until May 1999, largely due to the inability to identify who was in the car, other than the one deceased perpetrator. This problem was resolved due to the tenacity of detectives in the Santa Ana Police Department. Basically, a detective took it upon himself to talk with the long-time suspect, who then finally admitted to being in the car.

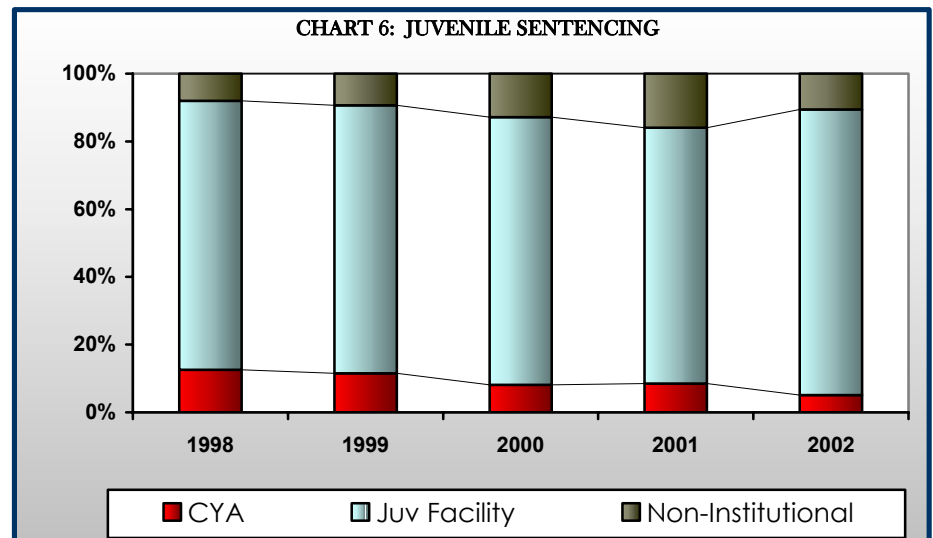
Other twists and turns concerned trial issues, especially trying to convince a jury that it was murder for one crime partner to kill another crime partner where the slaying victim is unintended. This was successfully completed under the doctrine of transferred intent. Also, because the case was 7 years old by the time of trial, many witnesses could not be found, and the memories of those witnesses who were found had faded. Of course, most witnesses, being entrenched in the gang lifestyle, were uncooperative. Nonetheless, the defendant was convicted of murder (of the fellow gang member driver), conspiracy to commit murder (as part of a gang), and attempted murder (of the rival gang members). He was sentenced to 25 years to life in prison.



The number of gang members sentenced to state prison in 2002 was 136, a sharp decrease in number from 2001 and a continuation of the decline in numbers since 1998. In addition to the state commitments, 237 adult gang members spent part or all of 2002 in jail. This past year, Orange County sentenced adult gang defendants to jail at a higher rate than state correctional and non-institutional combined.

- 92% of those convicted for gang crimes were sentenced to custody in 2002, a decrease from 93% in 2000

The number of California Youth Authority (CYA) commitments also declined substantially and the proportion of all sentences that involve CYA was the lowest in recent years. In addition to the CYA commitments, 215 juveniles gang members spent part or all of 2002 in jail or local juvenile facilities. This past year, Orange County sentenced gang defendants to local institutions more any other year.



<b>TABLE 3: Gang and “Gang-Related” Defendants by Sentence Category 1998 – 2002</b>					
	1998	1999	2000	2001	2002
<b>Total Juveniles Sentenced</b>	637	661	506	319	255
<i>% Non- Institutional</i>	8.0%	9.4%	12.8%	16.0%	10.6%
<i>% Local Juvenile Facility</i>	79.4%	79.1%	79.1%	75.5%	84.3%
<i>% California Youth Authority</i>	12.6%	11.5%	8.1%	8.5%	5.1%
<b>Total Adults Sentenced</b>	743	731	596	521	464
<i>% Non- Institutional</i>	4.6%	7.5%	6.5%	7.5%	8.6%
<i>% County Jail</i>	49.5%	49.1%	52.2%	52.0%	51.1%
<i>% State Prison</i>	45.9%	43.4%	41.3%	40.5%	40.3%

Overall, 91% of those convicted for gang or “gang-related” crimes were sentenced to custody in 2002, an increase from 2000 and 2001 and about the same level as 1999. The percent of defendants sentenced to state institutions has declined from about 30% of all sentences in 1998 to about 28% of all sentences in 2002. The county’s reliance on local juvenile facilities has increased over the last five years. In 2002, 84% of the juveniles were sentenced to local facilities. Adult commitments to local jails have remained steady since 1998. The use of non-institutional sentences, or probation, has increased since 1998.

One other case citation illustrates the multi-agency nature of anti-gang efforts, as well as another area of possible funding cutbacks. Several gang cases prosecuted in Orange County's North Justice Center arise from funding by the State of California, Office of Criminal Justice Planning, under the CUFFS Program (Community United For Fullerton Safety). Under this grant a number of agencies work together to identify at-risk youths for prevention programs and to prosecute active gang members who commit crimes within the City of Fullerton.

Participants in this collaborative program include the Office of the District Attorney, the Fullerton Unified School District (high schools), the Orange County Probation Department, the Fullerton police Department, and various community agencies. The program has enjoyed considerable success in both preventing teens from joining gangs by providing after-school anti-gang counseling and educational programs, and in prosecuting those who engage in criminal conduct.

One of the noted successes in 2002 involved the prosecution of an adult member of one of two large and active gangs operating in North County, both originating from Fullerton. This gang member was prosecuted for carjacking a vehicle from a woman who was working in her family's market. The defendant demanded the woman's car shortly after she had parked and exited the vehicle. The victim had unintentionally left her keys on the front seat and had not locked the door.

When the victim refused to give the gang member her vehicle, he entered the car grabbed the keys from the front seat and drove away. Police found the defendant a short time later after he had driven the stolen car into a ditch. Observations of the defendant led to a blood test that confirmed he was under the influence of alcohol and had a blood alcohol level in excess of .08. The successful prosecution resulted in the defendant receiving a sentence of 10 years in state prison.

## **C. Two Other Notable Gang Cases**

Two other gang cases prosecuted in 2002 illustrate the complexity and difficulties of such prosecutions.

One case began with a drive-by shooting in August 2000. The defendant, a minor, was walking on the sidewalk with a fellow hard-core gang member. A car driven by an associate of a rival gang traveled up the street. The driver and his gang member passenger had agreed to take two members of a third gang to the house of the driver's cousin as a favor to her. The identities of these two backseat passengers were never ascertained and they were listed as unidentified victims for trial.

As the car drove up the street, one of the backseat, third gang passengers yelled a gang challenge to the two pedestrians. The defendant immediately fired five to seven shots at the car, but nobody inside was hit. The car showed four bullet strikes. No casings, bullets, or gun were ever recovered. After shooting, the defendant and his companion ran off, but were seen by an off-duty officer. He lost sight of one person and saw the other go into a residence. He later gave a possible identification of the shooter's companion from a photo lineup.

A parolee witnessed the shooting, called 911, and gave a statement to police that day. He described the shooter and later selected the defendant in a photo lineup. He asked for consideration on a warrant, but no promises were made. The parolee did not identify the defendant in court and, when asked why, said his hair and dress looked different. There was an in-court identification of defendant by his cousin, who had an ongoing relationship with the La Habra PD because she wanted to become a police officer. She had been following her cousin, reported the crime several days after it occurred, and was interviewed and selected the defendant from a photo lineup the following day.

About a week after the crime, Buena Park PD stopped the driver and his front seat passenger as they were driving around in a bullet-riddled car. The Buena Park officers contacted La Habra PD, who interviewed the two. When the La Habra gang unit went to defendant's residence 11 days after the crime, the defendant ran before they even came close to his door. He claimed he ran because of possessing marijuana, but none was found.

The defendant was initially believed to only be a gang associate. But additional research by a probation officer found that defendant previously had gotten into a gang-related altercation. The defendant was now considered a gang member. One very good piece of evidence was an incident in 1999 when the defendant was found walking down the street while bleeding from his head and face. A concerned citizen stopped, asked him what happened, learned he had been jumped by a gang member, drove him home, then flagged down a police officer. The police officer drove to defendant's home, interviewed him, and recorded the defendant's evasive responses. However, the concerned citizen could not be found for the trial. A motion under EC 1240 and EC 1220 allowed the admission of the defendant's statements to this citizen as substantive evidence showing motive for the 2000 crime. The court also granted a motion to exclude any third party culpability defense.

Despite all these complications and difficulties, the jury delivered guilty verdicts to four counts of attempted murder, as well as counts of assault, use of a firearm, and gang enhancements. The jury also found one allegation of premeditation and deliberation true, hanging on three other counts. Despite the jury's finding, the court struck the allegation for premeditation and deliberation, and sentenced the defendant to 39 years in state prison.



The other case contained more complications and obstacles than most cases, but shows how having multi-agency cooperation and communication between staff with gang expertise can overcome even the most difficult of situations.

This case involved three gang members charged with conspiracy to commit murder, attempted murder, and well as personal discharge of firearm and gang enhancements. One of the gang members was a thirty-five year old “shot caller” of a particularly active gang, and the other two were juveniles following his lead. A few months before the incident that led to the filing, members of a rival gang had moved to the border of the gang’s territory. The new gang began selling drugs to locals, and placing graffiti in the streets. There is also evidence suggesting that the two gangs had been cooperating in drug sales until the original gang felt deceived.

The incident began in the early morning hours when three gang members armed themselves with a pistol with extra magazines, an automatic pistol with a 30 capacity magazine, and a snub nosed revolver. They drove to the apartment of the other gang, not knowing that the gang members had a remote control camera installed on the balcony to monitor traffic. The “new gang” apparently won the ensuing gunfire exchange between the truck and the apartment. All three gang members in the truck were wounded, while no members of the gang at the apartment were hurt. There was no evidence of blood or injury, although a few bullet holes were found in the apartment wall. Fortunately, no innocent bystanders were injured in the barrage of shots fired. The driver of the truck managed to drive the other two back towards his house, wounded and bleeding, but ran a stop sign on Beach Blvd. and was followed by two CHP units. The would-be assassins threw their guns out of the truck as they tried to speed away. Eventually, they came back to the driver’s house and were detained by police.

When questioned, the three wounded gang members said that unknown assailants had attacked them while they were driving on Beach Blvd. Sheriff’s officers treated them as victims of a crime and they were released after being hospitalized. When surreptitiously tape-recorded in the back of the police unit, however, they made cryptic references to the shootout. The 911 calls from the neighbors near the shootout went unanswered (911 was busy), so the fact that there had been a shootout went unknown for almost two days.

By the time police did go to the gang’s apartment, all of the gang members were gone. They had taken the videotape from the monitor and their guns as well. Some of those guns were later recovered from another gang crash pad and linked by ballistics to the scene of the recovered expended brass casings, but who shot the guns was never determined.

These facts presented major problems of proof. The prosecutor could not indicate to a jury with any certainty what the motive was for the shooting. He could not indicate to a jury, which gang shot first, or who the alleged victims were from the second gang, but he could establish that they must have been gang members. The prosecutor also had to concede that the only persons injured in the shootout were our defendants.

Nonetheless, this case was presented to a jury and, through the hard work of the police and the DA investigators; the prosecutor was able to make strong arguments that overcame all the problems mentioned in order to obtain convictions. First, the defendants’ weapons were recovered from the side of the road when officers retraced the chase route. Secondly, while the lack of motive is a problem, it is not an element of crime and was handled in voir dire. Third, the question concerning, “who shot first?” was covered by instructing the jury that there is no self-defense for mutual combatants. The fact that the defendants carried three guns with extra magazines indicated they were there to shoot at someone, so it became legally irrelevant to show who shot first. Fourth, although the specific identities of the other participants were unknown, the apartment was shown to be a gang pad by virtue of various indicators (e.g., a Halloween pumpkin carved with the gang’s initials, as well as gang graffiti found at the scene), even though the guns and gang members were gone. Also, some of the gang’s weapons, used in the shootout, were later recovered at a different gang residence, with ballistics tests matching them to weapons used in the shootout.

All three defendants were convicted of all counts and were sentenced to terms of 35 years to life in prison. With a requirement of serving 85 % of their sentence, the defendants must serve about 30 years in prison before they even become eligible for parole.

## ORANGE COUNTY'S MULTI-FACETED ANTI-GANG STRATEGY

The effort to eliminate gang-involved crime in Orange County through prevention, intervention and suppression activities involves many agencies and organizations, both public and private. While the efforts of the Office of the District Attorney, the RGET, and the TARGET programs are highlighted in this report, we enthusiastically acknowledge the important contributions made by many other Orange County organizations and individuals. The Board of Supervisors has long encouraged a multi-agency, multi-faceted approach to combat gang crime. Brief descriptions of some of the major public agency programs and their role in the multi-faceted anti-gang strategy follow below.

### DISTRICT ATTORNEY GANG UNIT

The earliest specialized unit for prosecuting gang cases was the District Attorney's Gang Unit. It was created in 1988 to provide a vertical prosecution approach to all gang-involved, violent felony case filings. In the vertical prosecution approach, one attorney handles all aspects of a complex case, from review and filing through trial or plea to sentencing. In addition to focused attention, prosecutors who specialize in one type of case develop a high level of expertise, which is passed on to incoming staff. The fiscal crisis led to a reduction in Gang Unit staff to 8 experienced attorneys. They are supported by 2 paralegals, and an investigations unit consisting of a supervisor, 7 investigators and 1 investigative assistant. This is four fewer staff persons than two years ago. The unit also shares an office support staff of six with the TARGET program.

The Gang Unit now handles gang-motivated adult felony cases and serious juvenile gang cases, and files charges on all cases involving guns and gangs. The unit continues to achieve excellent results in prosecuting these extremely difficult cases.

Gang cases are difficult to prosecute because both non-gang and gang-member witnesses are often reluctant to testify out of fear of retaliation, and are seldom forthright in their testimony. The Victim-Witness Services Team gives the prosecutors valuable assistance. Also, many of the cases involve multiple defendants and complex legal theories.

### GANG VICTIM-WITNESS SERVICES TEAM

A very unique and effective group, the Gang Victim-Witness Services team, assists the DA Gang Unit. This team, a part of Community Service Programs (CSP) Inc., consists of bilingual counselors who provide critical assistance both to crime victims and witnesses, and to investigators and prosecutors.

Their state-certified Critical Incident Training enables them to respond to the scene of gang crime incidents. They establish relationships with witnesses and victims (particularly the relatives of homicide victims). They maintain their relationships with victims and witnesses, directing them to available services and guiding them through the criminal justice system. Their relationship with witnesses is often the key component in getting court testimony enabling the prosecutor to secure a conviction.

The team also performs prevention activities in neighborhoods highly victimized by gangs, although the limitation on resources has curtailed these activities.

They make presentations to groups and even go door-to-door discussing issues such as improved lighting, security locks and other prevention issues. In recognition for their outstanding contributions in 1997 the team received the Crime Victim Service Award from US Attorney General Janet Reno for outstanding assistance to law enforcement and to victims of crime.

### ORANGE COUNTY CHIEFS AND SHERIFF'S ASSOCIATION (OCCSA)

The Orange County Chiefs' of Police and Sheriff's Association formed a countywide Gang Strategy Steering Committee, and five regional subcommittees in the fall of 1992. The committee consists of all of the chiefs of police, the sheriff, the district attorney, and the chief probation officer. Its subcommittees include members from police agencies, the Office of the District Attorney, the Probation Department, the educational system, private agencies, and the public.

During 2002, the OCCSA Steering Committee continued to provide countywide leadership and support to help integrate various programs into an effective, cooperative, community approach to reduce gang crime. It sought to minimize the effects of shrinking resources. Its gang programs include: CalGangs, TARGET, Project No-Gangs, RGET, and school gang education programs. Some of these are discussed in other sections of this report.

## THE CALGANGS SYSTEM

In December 1997, the CalGangs System was instituted to replace the localized GREAT system, which had been in existence since 1992. The CalGangs System is a cooperative project between California local law enforcement agencies and the California Department of Justice. It was designed and implemented as an automated computer system containing information on criminal street gangs and gang members, via a statewide network of computers linked through Internet/Intranet technologies. It provides 24-hour access to critical data on gangs, gang member activities and histories, firearms, criminal activities and histories, vehicles, and over 150 fields of information. Virtually every law enforcement agency with a computer and modem can now have access to this gang information.

The CalGangs system utilizes rigid guidelines that have to be followed before any person is labeled a "gang member." Approximately 90 percent of the current listings include persons who had admitted membership in a gang or tagger-crew. Only participating law enforcement agencies can enter or retrieve information. An administrator in the District Attorney's Office controls the system.

The system is designed to periodically purge the information of individuals with no gang activity for the previous five years. In the past three years, nearly 6,000 inactive gang members have been purged in Orange County. At the end of 2002, there were 17,456 identified gang members in 365 different gangs. The majority of gang members (55%) were 22-29 years of age. Eighteen percent were over 30, while less than 5% were under 18 (juveniles). Seventy-two percent belonged to gangs identified as primarily Hispanic, while another 12% were linked to Asian gangs. The greatest change is that 10% are now identified as belonging to White gangs. This is several times greater than the proportion just a few years ago. The CalGangs system is an investigative tool designed to assist law enforcement, and is not a public document.

## TARGET PROGRAM

In 1992 a new type of gang crime reduction program was created by Westminster Police Chief James Cook, when the Westminster Police Department, the Office of the District Attorney and the Probation Department combined to form a Tri-Agency Resource / Gang Enforcement Team (TARGET). This innovative approach merged gang member identification, field interviews, enforcement, case preparation, witness support, vertical prosecution, sentencing and probation into a single collaborative effort. The success of the initial unit led to the rapid expansion of the program. The TARGET Units handle anti-gang efforts from the point of gang member identification, investigation and arrest through the vertical prosecution of cases to final sentencing, and (when applicable) monitors the activities of probationers. Experts in the field of gang crime, using all the tools available to the different team member agencies, conduct all these efforts.

The TARGET model involves police gang detectives, a gang deputy district attorney, a gang district attorney investigator, and a gang deputy probation officer. These team members are housed together at a local law enforcement facility in order to focus a highly coordinated team effort toward the gang problem in that jurisdiction.

This model promotes maximum communication and coordination between agencies. By physically locating three or more agencies in the same room, both the frequency and quality of inter-agency communication and cooperation are dramatically enhanced. The personnel assigned to the Team are able to immediately share thoughts, strategies and case information on gang-related crime without delay. Resource limitations led to a reduction in the TARGET program during 2002. Two units were closed and another reduced in size. Currently there are 10 attorneys and investigators (down from 12 and 11 previously). These changes and other developments in the TARGET program since 1992 are discussed in more detail in Part III, the TARGET program history section (see page 18).

## MULTI-COMPONENT GRANTS

In addition to the other programs mentioned, the Office of the District Attorney currently is participating in several grant-funded, gang violence suppression programs administered by California's Office of Criminal Justice Planning (OCJP).

These multi-component grants involve District Attorney prosecutors and investigators working in partnership with police agencies, the Probation Department, educators and prevention-oriented, community-based organizations in the cities of Fullerton and La Habra.

These partnerships provide proven programs for combating gang violence. The grants run in three- year cycles and is expected to continue through June 30, 2004.

The composition and design of these grant projects reflect recognition by local law enforcement as well as state lawmakers that collaborative efforts are the most effective means of dealing with gang violence.

Two of the grant programs also incorporate targeting principles similar to those developed by the TARGET program in Westminster. This "target" gang suppression strategy pioneered in Orange County has now received recognition at the state level and has become a required component of certain OCJP grants.

## **REGIONAL GANG ENFORCEMENT TEAM**

By May 1999, there was strong anecdotal evidence that a new breed of violent, non-territorial, predatory gangs was committing an increasing amount of sophisticated and well-orchestrated crimes. In particular, the publicizing of several home-invasion robberies heightened resident anxiety. District Attorney Tony Rackauckas decided that a more mobile, countywide effort was needed to supplement the work of the community-based TARGET program. The Bureau of Investigation in the Office of the District Attorney developed the Regional Gang Enforcement Team, which began operating in October 1999.

As described in detail in Part II (page 15), the mission of RGET was to investigate and reduce crimes committed by gangs that claim financial, rather than physical territory. Homicides, murders for hire, kidnapping for ransom, home invasion robbery, and extortions are crimes focused on by RGET investigators. Team members conduct surveillances, serve warrants, develop and maintain cooperative witnesses, and engage in both traditional and non-traditional investigative techniques in cooperation with state and federal prosecutors. The Team also shares information with numerous local, state and federal agencies, coordinating or assisting in these investigations as required by mutual concerns.

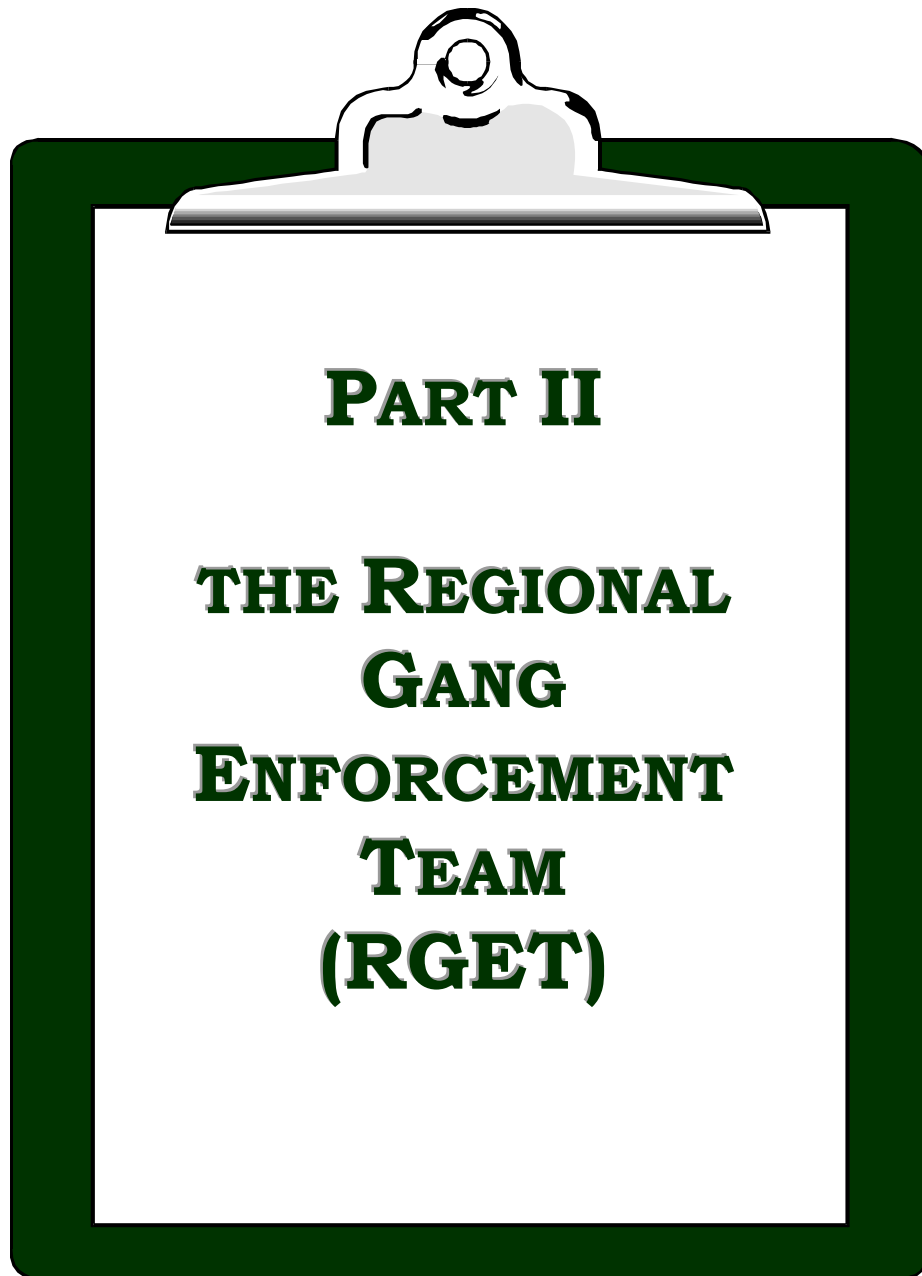
An experienced Gang Unit prosecutor works with the investigation team from the inception of a case until convictions are achieved. Experienced detectives from local police agencies also joined the team in 2000. Participating agencies included the Anaheim PD, Fullerton PD, Garden Grove PD, Santa Ana PD, Westminster PD, the Orange County Sheriff's Department, and the Bureau of Narcotic Enforcement. An experienced gang Deputy Probation Officer expanded the impact of the team.

Unfortunately, the funding for this program ended in 2002. The Office of the District Attorney is currently in the process of pursuing a grant that would fund a similar program to combat these types of gang crimes.

## **CONCLUSION**

These brief descriptions of the seven main facets of the county's anti-gang strategy give the reader an overview of the resources that different county agencies have devoted to reduce gang crime. These capsule descriptions, and even the RGET and TARGET sections that follow, do not adequately convey the extent of the commitment of time, energy, and expertise by the hundreds of persons involved in the anti-gang efforts in Orange County.

As the numbers generally support, it is felt that substantial progress has been made in reducing the level of gang crime, that a significant problem still exists, and that the county will continue to devote as many resources as possible to further the reduction of gang and "gang-related" crime. The reduced resources available due to the multi-level fiscal crisis have already been matched with crime increases in some areas. These increases are reminders that extra efforts continue to be required to retain the gains made against gang crimes.



# THE REGIONAL GANG ENFORCEMENT TEAM

## The RGET Program

Under the direction of an executive board of directors comprised of chief executives from participating law enforcement agencies, the Orange County Regional Mobile Gang Enforcement Team (RGET) has, since November 1999, had a mission to investigate and reduce violent crime and other crime committed by gang members and gangs that claim financial territory. RGET has both complemented and supplemented the efforts of the other District Attorney anti-gang units.



The Gang Unit was the initial program designed to develop investigative and prosecution expertise in order to successfully incarcerate gang criminals. The vertical prosecution focus and gang expertise was deepened and supplemented by the community-based TARGET program. The TARGET program's focus on territorial gangs left an increasing gap in combating gangs claiming *financial* territory. RGET became an ideal complement to the Gang and TARGET Units, filling an important need in the anti-gang effort.

To accomplish its mission, RGET task force members conduct surveillance and serve search and arrest warrants generated both as a result of RGET cases and in support of other law enforcement agencies. They recruit, develop and maintain both defendant and non-defendant informants, who can provide timely, accurate information that leads to arrests and prosecutions. The team employs traditional and non-traditional investigative techniques with an emphasis on innovation within the bounds of established legal procedures.

RGET targets more sophisticated gangs and hardened career criminals who are not bound by traditional geographical boundaries or territories. The very mobility of the gangs makes them difficult for municipalities, bound by jurisdictional boundaries, to target.

With an emphasis on cooperative law enforcement, RGET shares information regarding ongoing investigations with local, state and federal agencies. It coordinates and assists in ongoing investigations of outside agencies' cases involving matters of mutual concern. These cases include home-invasion robberies, homicides, narcotics matters, identity theft, and other cases where RGET's support is elicited.

The RGET model brings experienced gang investigators from many law enforcement agencies, an experienced gang prosecutor, and an experienced gang probation officer together in a team environment. This environment is designed to promote maximum coordination and minimum delay in formulating strategies to deal with mobile, predatory, highly organized criminal groups in the Greater Orange County Region.

Through outside funding, RGET is able to utilize of state-of-the-art equipment in the area of electronic and optical surveillance. Working with private sector leaders in technology, RGET develops and implements systems as a model for law enforcement nationwide.

Also through outside funding, RGET sponsors symposiums in the field of mobile gangs, which are attended by participants from across the nation. These symposiums are a forum to share information and investigative techniques, which can be employed to address predatory gangs. The team also supports academic studies to better understand the phenomenon of mobile gangs. Through that understanding, RGET is able to reprioritize and more effectively address its mission.





Unfortunately, other funding needs and a general decrease in resources have led to a cessation of funding for the RGET program. As of October 2002, RGET ceased its main, proactive efforts. It has focused a small amount of remaining resources at trying to successfully complete some ongoing investigations.

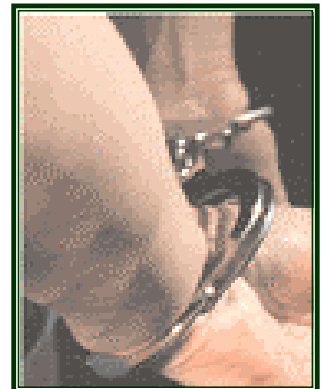
In 2002, RGET investigations resulted in 25 arrests. One arrest was in a homicide case and three were for weapons offenses. Nine arrests involved drug sales and five keyed an identity theft. These arrests included investigations and support services by four other agencies.

In addition to the arrests, RGET has achieved the following during 2003:

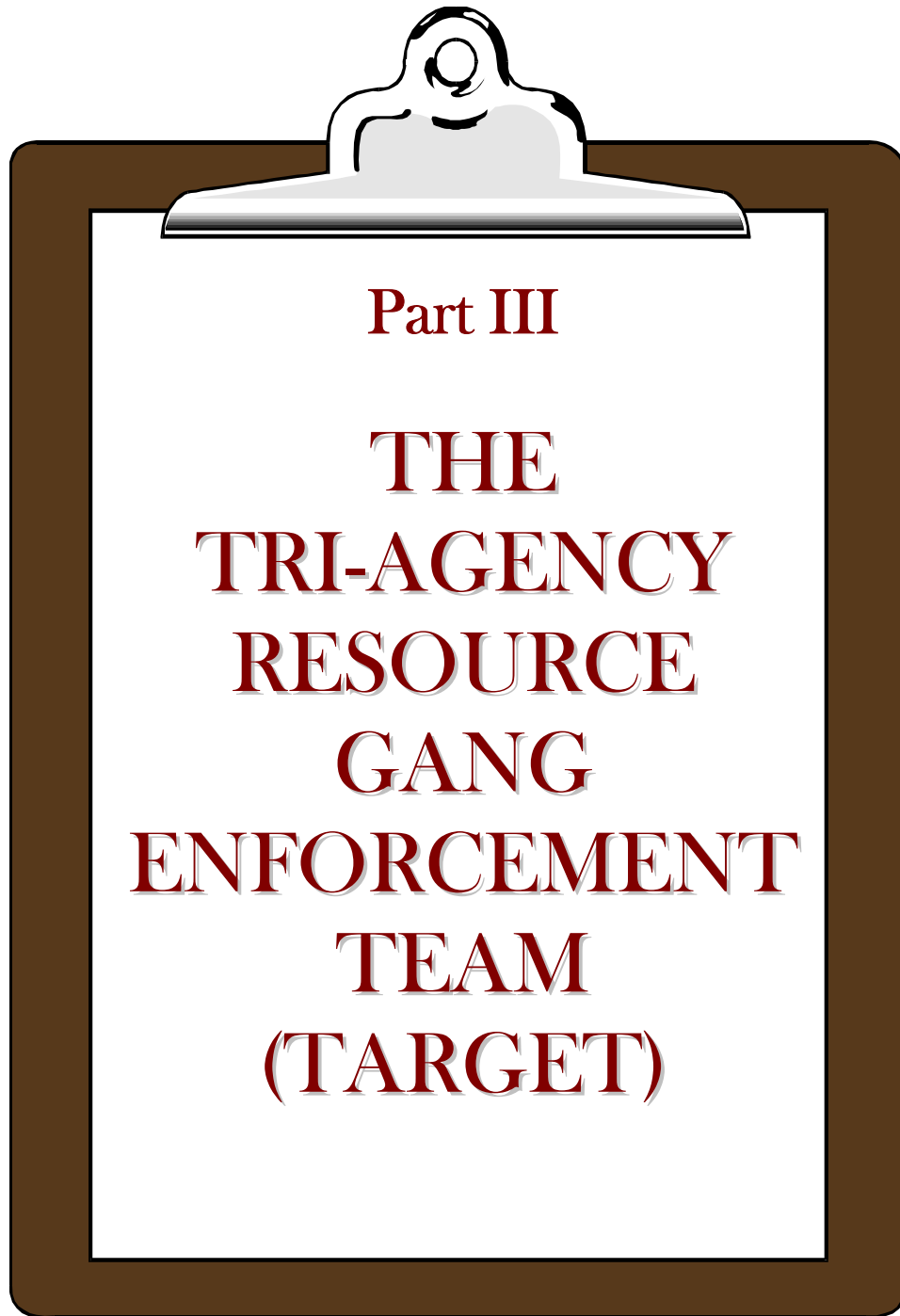
- RGET seized over \$500,000 in counterfeit US Currency that was being manufactured in Colombia and distributed throughout the Los Angeles area by gang members. These cases were investigated in conjunction with our partners in the US Secret Service with whom we maintained a close working relationship. These were the largest seizures known in the history of law enforcement investigation in Orange County.
- RGET served search warrants on 5 businesses and storage locations believed to belong to the largest DVD/CD counterfeiting operation in the United States (according to the Motion Picture Association of America). They seized about \$1,000,000 in assets. The investigation and prosecution is continuing.
- RGET provided 4,098 hours of direct support to other law enforcement agencies in their conduct of gang investigations.
- RGET organized and hosted the first ever Asian Crime Experts Symposium where selected experts were invited from throughout North America. The symposium focused on continental trends and predicting future patterns of criminal conduct.
- RGET provided law enforcement officers with 2,475 hours of training, measured by the number of officers receiving the training times the actual hours taught.
- RGET continued to support academic studies in the areas of identity theft and home invasion robberies that are committed by gang members (the study will conclude in 2003 and is being conducted in cooperation with the Center for Asian Crime Studies, a Maryland based think tank).

In its three years of operation RGET has participated in 160 arrests, 58 in support of other agency's gang cases. The remaining 102 arrests included 18 previously unsolved homicides, 17 felony narcotics offenses, 10 bank robberies-in-progress, 10 firearm offenses, 8 residential armed robberies, 8 identity theft crimes and an assortment of other offenses. The innovative investigative/surveillance techniques employed in homicides also directly averted eleven home invasion robberies, five commercial robberies, and three murders-for-hire.

Seizures included 39 weapons (15 machine guns), nearly 40 thousand tablets of Ecstasy, over 200 pounds of marijuana/hashish, seven pounds of methamphetamine ice, the \$500K in counterfeit currency cited above, \$1M in counterfeit products and \$800K in cash. These arrests, preventions, and seizures have had a serious impact on the criminal activities of non-territorial, financially-focused gangs. A significant number of persons have been spared victimization, while a number already victimized has seen justice carried out. The elimination of RGET leads to fears that 2003 may see a resurgence in financially-focused gangs and their violent activities.







## THE TARGET PROGRAM – A BRIEF HISTORY

Westminster Police Chief James Cook initiated the TARGET concept in 1992, with the enthusiastic participation of the Office of the District Attorney and the Probation Department. After two very successful initial years in Westminster, the Board of Supervisors became interested in expanding the concept countywide.

In 1994, TARGET units were established in six new areas. Each program was modeled after the Westminster TARGET, with some modifications made to accommodate local law enforcement agency structures and local community needs. Between 1994 and 1999 the program expanded from seven to thirteen teams. The success of some Units in decreasing gang activity led to a shifting of resources in 2001, with a decrease in Costa Mesa balanced by the opening of a part-time Unit in Tustin. The North County Unit also expanded, adding several cities as part-time members. Toward the end of 2001, the total amount of resources available began to decrease. This was followed by further decreases in 2002. This led to the closure of the Costa Mesa Unit in April 2002, the realignment of cities in the North County Unit between February and April, and the loss of one of the four Santa Ana Units in July.

These changes decreased the number of prosecutors by two. Police and probation personnel saw shifts in responsibilities to include more non-TARGET areas.

TARGET currently operates in Anaheim, Garden Grove, Orange, Santa Ana, Tustin, Westminster, North County (including the cities of Buena Park and Fullerton), and South County (in 10 communities served by the Sheriff's Department).

The basic TARGET process continues to involve the quick identification of the leaders of gangs, concentrating (targeting) on them for enforcement efforts, conducting searches, and making arrests. Since most of these leaders are on probation from previous offenses, a high level of probation supervision is also involved. The highly efficient sharing of information promoted by the TARGET model facilitates this process. Police gang investigators are specially trained to deal with hostile or reluctant witnesses, and deputy district attorneys and district attorney investigators are experienced in vertically prosecuting gang cases through the court system. The deputy probation officer plays a vital role by enforcing the specialized "gang terms" conditions of probation imposed by the courts.

The strategy of having all team members located together and sharing a high level of expertise in gang crime has led to dramatic results. Some of these results are described in the individual unit sections that follow. The overall impact of the TARGET program is detailed in a summary section (see page 13), though we expect numbers to drop from previous years due to the changes in the TARGET program mentioned previously.

### Key Progress Indicators:

- The eleven TARGET units maintained lists of nearly 1,800 of the most active gang members.
- Gang detectives made 493 arrests of identified gang members (and 1,346 arrests of non targeted gang members).
- Charges were filed against nearly 360 identified gang members, and about 43 non targeted gang members.
- Cases were concluded against 381 gang members.
- Gang members entered nearly 300 guilty pleas.
- There were 144 gang members sent to prison or the California Youth Authority in 2002.

## INDIVIDUAL PROGRAM HIGHLIGHTS - LISTED ALPHABETICALLY

### ANAHEIM TARGET



There are two TARGET teams operating in Anaheim, one began in 1994 and the other in 1996. In 2002, these teams concentrated their efforts on an average of 43 active “targets.” They seized 19 firearms, more than double the 2001 total. Officers conducted 363 field interviews, and arrested 15 “targets” and 95 gang associates during the year.

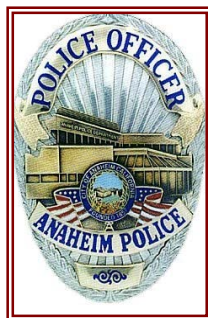
Prosecutors cleared 30 cases, 3 of them through trial. They removed 40 gang members from the streets, sending 24 to prison and 16 to jail.

The two probation officers were busy, with an average of 30.50 “target” probationers and 65.50 “non-targets.” They made 856 probationer contacts, conducted 551 searches, and filed 55 probation violations.

A significant case that was tried in 2002 concerned a member of an Anaheim gang who went into a liquor store in September 2001 and stole two cases of beer.

The store’s owner attempted to stop the thief, who then pulled a .38 caliber revolver and pointed the weapon at both the owner, and the owner’s father. The defendant fled with the beer.

The owner remembered that he had seen the defendant earlier with a minor who lived in the area. The police were called to investigate the robbery, and were directed to the minor’s house.



Inside the house the police found the beer and the .38 revolver, which was found loaded. The case was tried and the defendant was found guilty of the armed robbery. The gang member was sentenced to 13 years in state prison.

#### Anaheim Unit Activity - 2002

<b>Average Number of TARGETs</b>	<b>43.00</b>
<b>STEP Notifications • (Total)</b>	<b>1</b>
<b>Search Warrants</b>	<b>5</b>
<b>Warrant Locations Searched</b>	<b>8</b>
<b>Firearms Seized</b>	<b>19</b>
<b>TARGET Arrests</b>	<b>15</b>
<b>nonTARGET Arrests</b>	<b>95</b>
<b>TARGET Cases Filed</b>	<b>24</b>
<b>TARGET Cases Cleared •</b>	<b>30</b>
<b>Trials Completed</b>	<b>3</b>
<b>Percent Kept In Custody</b>	<b>80.8%</b>
<b>Sentenced - Prison/CYA</b>	<b>24</b>
<b>Sentenced - Local Institution</b>	<b>16</b>
<b>Avg. Probation TARGET Caseload</b>	<b>30.50</b>
<b>Avg. TARGETs on Gang Terms •</b>	<b>23.25</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>65.50</b>
<b>Total Probation Contacts</b>	<b>856</b>
<b>Total Probation Violations Filed</b>	<b>55</b>

• SEE DEFINITION BELOW

- **STEP NOTIFICATIONS:** INFORMING PERSONS THAT THEY MEET THE DEFINITION OF GANG MEMBERS UNDER THE STEP ACT (SEE PAGE 3), AND THAT ANY CHARGES FILED AGAINST THEM COULD INCLUDE ENHANCEMENTS ADDING TO PRISON TERMS.
- **CASES CLEARED:** CASES REMOVED FROM THE TARGET DEPUTY’S CASELOAD BY COMPLETION OR TRANSFER TO ANOTHER UNIT.
- **GANG TERMS:** A SPECIFIC SET OF TERMS AND CONDITIONS OF PROBATION DESIGNED TO CURTAIL GANG ASSOCIATIONS BY PROBATIONERS.

## GARDEN GROVE TARGET



The Garden Grove TARGET (MAGNET) program successfully focused on a small amount of “Targets” in 2002. The average number of active “targets” identified by the Garden Grove unit was 20.50, similar to 2001. Many of these gang members were surveilled, and 20 locations were searched under warrants. Twenty-eight firearms were taken from gang members. Twenty-seven arrests of “targets” were made.

The deputy probation officer had an average caseload of 7.75 “targets” and 31.25 “non-targets” during 2002, and filed a total of 32 probation violations against the TARGET probationers. The DPO reported a total of 273 “target” and 1,027

“non-target” contacts.

The MAGNET prosecutor filed cases against 12 “targets.” About 82.6% of gang members were kept in custody during adjudication. Fifteen cases were cleared, two by trials. More cases were completed in 2001, but none involved lengthy trials. Fifteen gang members were removed from the streets through commitments to state institutions or local facilities.

The Garden Grove TARGET team’s continued success in 2002 in removing dangerous gang members from the streets and sending them away for lengthy prison sentences is illustrated by the following case, which involved a drive-by shooting committed in broad daylight in front of several elementary schools. The shooter and his friends, members of two Garden Grove gangs, went to a local school looking for members of two other gangs, to retaliate for an earlier fistfight. The suspects chased the victim’s car for several blocks. Eventually, the shooter leaned out of the rear passenger window and fired multiple shots at the victims’ car, hitting one victim in the back and causing him to suffer significant injuries.

Through witness license plate and vehicle descriptions, one suspect was rapidly apprehended and identified by the victims. He gave up the names of other suspects, who were arrested. Unfortunately the shooter fled during the service of a search warrant at his house. He was caught months later in possession of forged identification and passports. The other suspects all pled guilty to charges of attempted murder, and factual information implicated the shooter. However, these offenders had not been offered reduced sentences in exchange for their testimony, so fearing the shooter, they perjured themselves at the trial.

During the trial, many of the witnesses failed to show up despite court orders and had to be arrested for contempt of court. It took hard work on the part of DA investigators and Garden Grove officers on weekends and early morning hours to make these arrests and get these witnesses to court. Although most of the witnesses also perjured themselves and claimed that someone else was responsible for the shooting, taped interviews with other witnesses linked the shooter to the crime. The shooter was the only member of one of the two gangs involved in the shooting, and the investigation by a gang expert that connected the two gangs was another critical element of the prosecution’s case.

The defendant’s brother and other members of his gang sat in court throughout the proceedings and “maddogged” (stared malevolently at) the witnesses, including the gang expert, attempting to intimidate them to alter their testimony. Due to the collective hard work of the entire Garden Grove TARGET team, the shooter, a Garden Grove “target,” was found guilty on all counts, including attempted murder with premeditation and deliberation, multiple gang enhancements, and gun allegations. The shooter will be sentenced in the coming weeks and is facing a life sentence.

<u>Garden Grove Unit Activity - 2002</u>	
<b>Average Number of TARGETs</b>	<b>20.50</b>
<b>STEP Notifications (Total)</b>	<b>435</b>
<b>Search Warrants</b>	<b>12</b>
<b>Warrant Locations Searched</b>	<b>20</b>
<b>Firearms Seized</b>	<b>28</b>
<b>TARGET Arrests</b>	<b>27</b>
<b>nonTARGET Arrests</b>	<b>13</b>
<b>TARGET Cases Filed</b>	<b>12</b>
<b>TARGET Cases Cleared</b>	<b>15</b>
<b>Trials Completed</b>	<b>2</b>
<b>Percent Kept In Custody</b>	<b>82.6%</b>
<b>Sentenced - Prison/CYA</b>	<b>8</b>
<b>Sentenced - Local Institution</b>	<b>7</b>
<b>Avg. Probation TARGET Caseload</b>	<b>7.75</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>7.50</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>31.25</b>
<b>Total Probation Contacts</b>	<b>1300</b>
<b>Total Probation Violations Filed</b>	<b>32</b>

## NORTH COUNTY TARGET



The North Orange County TARGET Task Force became operational in Fall 1998, and has undergone a number of significant structural changes. Between 1999 and 2001, additional cities joined the team, and the number of identified “Targets” was greatly expanded. By the end of 2001, the North TARGET Unit included participants from Brea, Buena Park, Fullerton, La Habra, Placentia, and Yorba Linda.

In the first part of 2002, the resource situation in several cities caused a significant reorganization of the Unit. Brea PD (which also serves Yorba Linda) was unable to continue its participation. La Habra PD and Placentia PD also were no longer able to continue formal participation, but as time and resources permit officers from these departments share intelligence information and report filings that concern gang members previously “targeted.” The Fullerton PD Gang Unit (a separate group from the Fullerton TARGET Unit) also began sharing information and resources with the Fullerton and Brea PD TARGET personnel. The Probation Department continued to provide a deputy probation officer throughout the year, and the District Attorney’s office contributed an experienced trial attorney and an investigator with gang experience.

With the decreased police participation, the number of identified “targets” dropped from 175 to under 100, ending the year at 88. Compilation of police agency data also stopped during the reorganization. With a dramatic decline in the number of identified gang member “targets,” and only nine months of reported police data, comparisons cannot be made with other years.

During 2002, the North County TARGET unit averaged 115.25 identified “targets” although the number was below 100 for most of the year. In the nine months of police data reported, search warrants were served at 17 locations. Twenty-two “targets” and 55 of “non-targets” were arrested.

The prosecutor cleared cases against 31 “targeted” defendants (with all 12 months being reported). Twenty-eight gang members were removed from the streets, with seventeen of those being sent to a state penal institution. Nearly 90% of defendants were kept in custody during adjudication.

The deputy probation officer had an average caseload of 20 “targeted” probationers and over 10 “non-targets” (again over all 12 months). The DPO made 551 contacts, conducted 158 searches, and filed 34 probation violations.

In one especially significant case, the North TARGET Unit took down two drug-dealing gang members and sent them to state prison. The case came to the TARGET Unit’s attention after Buena Park detectives noted a dramatic rise in criminal activity in a gang within Buena Park’s borders.

Several members known to be leaders of the gang were targeted for special enforcement. Soon thereafter, it was learned that a patrol officer had made a vehicle stop on one of these gang leaders. Gang detectives responded to the site of the traffic stop, and conducted a search of the gang leader’s luxury vehicle. Inside, the detectives found a false compartment containing several ounces of high-grade marijuana. The gang leader and his passenger, another suspected member of the gang, were arrested.

<u>North County Unit Activity - 2002</u>	
<b>Average Number of TARGETs</b>	<b>115.25</b>
<b>STEP Notifications (Total)</b>	<b>46</b>
<b>Search Warrants</b>	<b>15</b>
<b>Warrant Locations Searched</b>	<b>17</b>
<b>Firearms Seized</b>	<b>3</b>
<b>TARGET Arrests</b>	<b>22</b>
<b>nonTARGET Arrests</b>	<b>55</b>
<b>TARGET Cases Filed</b>	<b>27</b>
<b>TARGET Cases Completed</b>	<b>31</b>
<b>Trials Completed</b>	<b>2</b>
<b>Percent Kept In Custody</b>	<b>89.7%</b>
<b>Sentenced - Prison/CYA</b>	<b>17</b>
<b>Sentenced - Local Institution</b>	<b>11</b>
<b>Avg. Probation TARGET Caseload</b>	<b>20.00</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>20.00</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>10.50</b>
<b>Total Probation Contacts</b>	<b>551.00</b>
<b>Total Probation Violations Filed</b>	<b>34</b>

As part of the subsequent investigation, it was discovered that the same gang leader and associate had been recently arrested by Irvine PD and charged with possession for sale of several pounds of marijuana, along with carrying three loaded firearms. However, prosecution of the Irvine case was being handled in Central Court, and no one working the case had the information that the defendants had posted bail and been released from custody.



Weeks later, their home was searched and more than a pound of marijuana was located. Again, they had been arrested, and again their bail had been set at a low amount and they had made bail and been released from custody. What's more, the court case against the associate from the first arrest had been dismissed for what was, at the time, seen as insufficient evidence, and the associate had never been charged for the marijuana seized during the search of his house.

With the new arrest, the North TARGET DDA took over a vertical prosecution of the gang leader and his associate for all three incidents. The two gang members were ultimately prosecuted for the three separate incidents involving possessing drugs for purpose of sales, possessing guns, and for active participation in a street gang. By swiftly presenting evidence of all three incidents to the grand jury, the DDA secured an indictment against both defendants.

This indictment included charges of actively participating in criminal gang activity and an enhancement for committing a felony while out on bail. Bail was set at a quarter million dollars. The defendants were then arrested on the warrant issued after the grand jury's indictment.

This time the defendants could not make bail and continue their criminal enterprise. Instead, they chose to plead guilty. The leader was sentenced to state prison for 4 years, and his associate received a 16-month state prison sentence. By focusing investigative and prosecutorial efforts on criminally active gang members, the TARGET team succeeded in putting two particularly active gang members behind the bars of a state prison.



## ORANGE TARGET



The Orange TARGET team targeted an average of 56.75 active gang members during 2002. Eight search warrants were obtained on 41 locations in 2002 (including a sweep in June with 30 locations). Thirty-seven firearms were seized in 2002.

The probation officer had an average of 25 “target” and 21.75 “non-target” probationers. This PO made 946 contacts, conducted 185 searches, and filed 49 probation violations.

The prosecutor divided time between Orange and Tustin. Despite this split workload, 35 cases were filed and 25 cleared in Orange during 2002. About 93% of defendants were kept in custody while being adjudicated. There were 35 gang members whose sentences included time in state prisons or jails.

One of the more prominent events in 2002 occurred in June. The Orange Police Department authored and served a search warrant on the residences of 30 suspected members of two prominent criminal street gangs in the city of Orange. This resulted in 19 arrests for various criminal violations ranging from probation violations to assaults with deadly weapons.

The most significant case arising out of this massive search warrant was the arrest for possession of a firearm of a “targeted” gang member, a third striker considered to be one of the “shotcallers” of the most active local street gang.



In November 2002, this case was tried and the defendant was convicted. He is currently awaiting sentencing, and is facing a 50 years to life sentence on this “third strike.” This gang member had previously been tried in 2001 for a shooting incident in Costa Mesa, but managed to escape conviction in that case.

### Orange Unit Activity - 2002

<b>Average Number of TARGETs</b>	<b>56.75</b>
<b>STEP Notifications (Total)</b>	<b>365</b>
<b>Search Warrants</b>	<b>8</b>
<b>Warrant Locations Searched</b>	<b>41</b>
<b>Firearms Seized</b>	<b>37</b>
<b>TARGET Arrests</b>	<b>42</b>
<b>nonTARGET Arrests</b>	<b>154</b>
<b>TARGET Cases Filed</b>	<b>35</b>
<b>TARGET Cases Cleared</b>	<b>25</b>
<b>Trials Completed</b>	<b>2</b>
<b>Percent Kept In Custody</b>	<b>93.0%</b>
<b>Sentenced - Prison/CYA</b>	<b>12</b>
<b>Sentenced - Local Institution</b>	<b>23</b>
<b>Avg. Probation TARGET Caseload</b>	<b>25.00</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>24.50</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>21.75</b>
<b>Total Probation Contacts</b>	<b>946</b>
<b>Total Probation Violations Filed</b>	<b>49</b>



## SANTA ANA TARGET



Santa Ana's TARGET program operates under the name STOP (Street Terrorist Offender Program). The year began with four separate TARGET teams in Santa Ana working to identify and prosecute the most active gang members who engage in criminal conduct. During the year, the grant funding for one team ceased. This led to a shifting of resources. One prosecutor position was cut, and one probation officer was shifted to part-time. The police team also was reorganized. While the level of identified "targets" was maintained, the changes in resources is reflected in some lower numbers than last year.

The STOP teams identified an average of 715.75 "targets" in 2002. There were a total of 249 STEP notifications in 2002, as well as 9 search warrants served on 33 locations. Thirty-six firearms were seized, nearly as many as last year. There were 146 "target" arrests during 2002. An additional 202 arrests of "non-targets" were made. An average of 364 gang members spent some time in custody each month.

In 2002, the three prosecutors (four for half the year) filed cases against 144 gang members and cleared cases against 161 defendants. This compares to 181 filings and 171 completions by four prosecutors in 2001. A total of 22 defendants were brought to trial in 2002. Sixty-seven gang members received commitments to state institutions, while another 80 were committed to local institutions, only slightly less than 2001.

Probation officers averaged 112 "targets" and 53 "non-targets" on their caseloads. They also made 2,568 contacts. In addition, 732 searches were conducted and 122 probation violations were filed.

One significant case this year involved two brothers, both from the same street gang, who went on a crime spree over a weeklong period. This spree culminated in the shooting of an Orange County Sheriff's Officer in the face.

In late March 2002, the brothers, ages 16 and 19, committed a series of car burglaries throughout central Orange County. On March 22<sup>nd</sup> they attempted to cash a check taken from one of these burglaries at a local bank, but were unsuccessful. Later that night they found their way to Tustin where they encountered a man getting out of his car in an apartment complex carport area. They assaulted and carjacked him at gunpoint. From Tustin they drove this stolen car and another stolen vehicle to Mission Viejo and committed almost twenty more car burglaries.

### Santa Ana Units Activity - 2002

<b>Average Number of TARGETs</b>	<b>715.75</b>
<b>STEP Notifications (Total)</b>	<b>249</b>
<b>Search Warrants</b>	<b>9</b>
<b>Warrant Locations Searched</b>	<b>33</b>
<b>Firearms Seized</b>	<b>36</b>
<b>TARGET Arrests</b>	<b>146</b>
<b>nonTARGET Arrests</b>	<b>202</b>
<b>TARGET Cases Filed</b>	<b>144</b>
<b>TARGET Cases Completed</b>	<b>161</b>
<b>Trials Completed</b>	<b>22</b>
<b>Percent Kept In Custody</b>	<b>83.4%</b>
<b>Sentenced - Prison/CYA</b>	<b>67</b>
<b>Sentenced - Local Institution</b>	<b>80</b>
<b>Avg. Probation TARGET Caseload</b>	<b>112</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>92</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>53</b>
<b>Total Probation Contacts</b>	<b>2568</b>
<b>Total Probation Violations Filed</b>	<b>122</b>

The next morning, presumably on their way to Santa Ana, they were discarding some of the property they had stolen in Mission Viejo into a dumpster behind a closed commercial complex in Lake Forest. The Sheriff's officer was on routine patrol at that time when he approached one of the two brothers, who was seated in one of the stolen cars. After getting out of the car, the suspect tried to run from the scene. A brief physical struggle ensued and the gang member got away from the officer, ran a few feet, turned, and shot the officer in the face. The officer returned fire and shot the gang member in the leg. Both brothers then fled the scene in one of the stolen cars and drove to Riverside. The shooter ended up in a Riverside hospital with a gunshot wound and was later arrested.

The two brothers have been charged with attempted murder of a police officer, carjacking, numerous car burglaries, gang crimes and enhancements.

Another significant case also involved an interaction between a police officer and a gang member. In May 2002, an officer from the Santa Ana Police Department was on patrol. He noticed a gang member talking to another individual. This gang member particularly stood out because he was wearing a heavy, black down jacket on a very hot day. The officer attempted to contact the gang member, but he ran away down a long driveway. The officer gave chase and noticed that the gang member was reaching into his waistband as he ran. He then hopped over chain link fence onto the grounds of an elementary school. The school had to be shut down and the children evacuated during the search for the suspect, who was ultimately located hiding in the boys' bathroom. Police searched him and the route he ran, but found nothing unusual, such as a weapon.



The next day, the officer received a call from an elementary school principal, who said a student had seen the whole incident. The officer interviewed a 7-year-old boy who lived adjacent to the long driveway down which the gang member had run. The child saw him throw something black onto the roof of the child's home. The officer searched the roof and found a black, loaded handgun. The child said he saw police searching the area, but didn't say anything because he picked up some money the suspect had dropped and needed the money to buy shoes. The child picked the suspect out of a photo lineup.



The suspect was a member of a gang that is very active in the area where the child and his family live. The night before the trial, the defendant's fellow gang members tagged his moniker all over the property of the child's family to intimidate them. The child testified well, but was very scared and refused to identify the defendant in court. He refused to even look in his direction. It ultimately came out during the child's testimony that his mother told him not to identify anyone in court, a typical example of the difficulties encountered in prosecuting gang cases.

Despite these problems, the jury convicted the defendant of being a gang member in possession of a gun, possessing a gun on school grounds, being an active gang member at the time of the crime, and committing the crime for the benefit of the gang. The judge sentenced the defendant to local jail time and placed him on felony probation.

## SOUTH COUNTY TARGET



The South County TARGET program operates in conjunction with the Sheriff's Department and covers 11 South County communities: Laguna Hills, Aliso Viejo, Mission Viejo, Laguna Niguel, Rancho Santa Margarita, Lake Forest, Laguna Woods, San Clemente, San Juan Capistrano, Capistrano Beach, Dana Point, and unincorporated county areas.

During 2002, an average of 69.75 targeted gang members were on the identified lists. Fifteen locations were searched, and 181 "targets" were arrested. An additional 523 arrests were made of "non-targeted" gang members within this jurisdiction.

Cases were filed against 41 "targets," and cases against 40 targeted defendants were cleared. Five of the convictions have resulted in state prison commitments, while commitments to local facilities removed an additional 39 gang members from the streets. The two deputy probation officers handled an average of 27.75 "target" and 25.75 "non-target" probationers. They made 706 contacts, conducted 282 searches, and filed 59 probation violations.

A 2002 highlight from the South Orange County TARGET Unit concerned a case which culminated, team members thought, two years ago, but returned with a vengeance in 2002. The original case involved a collection of mostly well-to-do white teenagers who formed a gang. They did not adhere to the standard gang culture: they did not operate out of racial hatred, like many white gangs do; they were not involved in the sale of narcotics or guns; they were mostly independently wealthy; and they did not gang-bang out of a sense of turf or neighborhood pride. They were, quite simply, hooligans of a very violent and arrogant nature.

These teenagers perpetrated random acts of violence upon outnumbered and unsuspecting victims. On a Friday night in the summer of 1999, the gang crashed a party of high school students. Their very first act was to pick a fight with a drunk and alone teenager. Ultimately he was stabbed at least three times in the back by two of the gang members. The others joined in by kicking the victim and forming a circle around the fight, preventing it from being broken up.

All five members were convicted of attempted murder. They were also convicted of aiding and abetting as part of the extended liability theory of natural and probable consequences. The two most harshly sentenced (prison and strike convictions), successfully appealed their convictions based on ineffective assistance of counsel.

As the retrial of the case approached, the new prosecutors recognized two very serious problems: the victims and witnesses were all out of the county, and their memories and interests in the case were tragically faded. The TARGET DA Investigator completely re-investigated the incident. The original Sheriff's gang investigator had been reassigned, but jumped back into her "gang detective" role. Persons were tracked down and everyone prepped for months to retry the case.

### South County Unit Activity - 2002

<b>Average Number of TARGETs</b>	<b>69.75</b>
<b>STEP Notifications (Total)</b>	<b>472</b>
<b>Search Warrants</b>	<b>9</b>
<b>Warrant Locations Searched</b>	<b>15</b>
<b>Firearms Seized</b>	<b>6</b>
<b>TARGET Arrests</b>	<b>181</b>
<b>nonTARGET Arrests</b>	<b>523</b>
<b>TARGET Cases Filed</b>	<b>41</b>
<b>TARGET Cases Cleared</b>	<b>40</b>
<b>Trials Completed</b>	<b>0</b>
<b>Percent Kept In Custody</b>	<b>58.3%</b>
<b>Sentenced - Prison/CYA</b>	<b>5</b>
<b>Sentenced - Local Institution</b>	<b>39</b>
<b>Avg. Probation TARGET Caseload</b>	<b>27.75</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>27.00</b>
<b>Avg. Prob. nonTARGET Caseload</b>	<b>25.75</b>
<b>Total Probation Contacts</b>	<b>706</b>
<b>Total Probation Violations Filed</b>	<b>59</b>

The remaining three defendants were also willing to testify. One of these had written a several hundred page document about the gang. This document gave tremendous insight into how the gang was formed, how they operated, and what occurred that fateful night when an innocent teenage partygoer was stabbed within an inch of losing his life.



As the retrial approached, it was clear that the defendants had nothing to lose; they could not suffer a sentence worse than what had been imposed previously. Ultimately, after the People refused to budge with regards to the prosecution's stance, the court allowed the defendants to plea to the court.

One defendant received 6 years instead of 11, but was convicted of multiple strikes under the 'Three Strikes' law. The other defendant again received 6 years, but only with one "strike." That was done over the People's objection, and the court had to resort to utilizing Penal Code section 1385 to do so since the prosecutors refused to take part in anything but a guilty plea to all counts.

This case shows the importance of zealous representation in this brutal and vicious gang attack. Second, it shows that the prosecution does not bend for defendants in special socioeconomic classes. Those principals were established by South County TARGET three years ago and defended again just last summer.

## TUSTIN TARGET



This past year saw the maturation of the part-time TARGET Unit in Tustin. The team worked their TARGET list and continued to develop information on the individuals selected. The intelligence gathering by the Team led to a number of successful probation searches.

An average of 53.50 "targeted" gang members were on the "identified and active" list in 2002. With 4 search warrants during the year, 13 locations were searched. Thirty-nine "targets" were arrested, while another 83 arrests were made of "non-targets." A total of 286 field interviews were conducted during the year, and an average of 18 "targets" were kept in custody for a portion of each month.

During 2002, the part-time deputy probation officer handled an average caseload of 23.25 target and 1.5 non-target probationers. The probation officer conducted 99 searches, made 363 contacts, and filed 30 probation violations during the year. Twenty-seven new cases were filed, and 18 were cleared against "targeted" defendants by the part-time prosecutor. Slightly over 92% of "targeted" gang members that have active criminal cases remained in custody during adjudication in 2002. Tustin's prosecutors completed four trials in 2002. Three convictions resulted in state prison or CYA commitments. Commitments to local facilities removed an additional 16 gang members from the streets.

The most significant case for the Tustin TARGET Unit in 2002 was the trial of a "targeted" member of a particularly vicious criminal street gang. This gang member was identified as the shooter who fired at a crowd of partygoers



at a New Year's Eve party in Tustin on December 31, 2001. One of the partygoers was shot in the foot. The gang member was tried on the charge of attempted murder for the benefit of a criminal street gang, with the accompanying enhancements of personally inflicting great bodily injury, personally discharging a firearm causing great bodily injury,

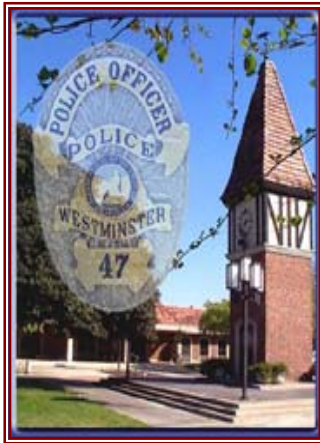
and street terrorism. The difficulty of trying gang cases was demonstrated when a mistrial was declared after the jury deadlocked 11 to 1 for guilty. A new trial date was been set with the gang member facing a sentence of 30 years to life if convicted.

### Tustin Unit Activity - 2002

<b>Average Number of TARGETs</b>	<b>53.50</b>
<b>STEP Notifications (Total)</b>	<b>40</b>
<b>Search Warrants</b>	<b>4</b>
<b>Warrant Locations Searched</b>	<b>13</b>
<b>Firearms Seized</b>	<b>4</b>
<b>TARGET Arrests</b>	<b>39</b>
<b>nonTARGET Arrests</b>	<b>83</b>
<b>TARGET Cases Filed</b>	<b>27</b>
<b>TARGET Cases Cleared</b>	<b>18</b>
<b>Trials Completed</b>	<b>4</b>
<b>Percent Kept In Custody</b>	<b>92.3%</b>
<b>Sentenced - Prison/CYA</b>	<b>3</b>
<b>Sentenced - Local Institution</b>	<b>16</b>
<b>Avg. Probation TARGET Caseload</b>	<b>23.25</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>17.25</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>1.50</b>
<b>Total Probation Contacts</b>	<b>363</b>
<b>Total Probation Violations Filed</b>	<b>30</b>



## WESTMINSTER TARGET



During 2002, the Westminister TARGET unit averaged 99.25 “targets” on the active list. The unit made 129 STEP notifications this year. Eight warrant locations were also searched. The TARGET prosecutors cleared cases against 24 defendants, and kept 91.1% of all defendants in custody during the adjudication process. Twenty gang members were sentenced to penal institutions, and 12 others served jail time. The probation officer carried a caseload averaging 13.25 “targets” and 17.75 “non-targets.” The DPO made 642 contacts, completed 126 searches, and filed 24 probation violations.

The year 2002 was a busy year for the Westminister TARGET program. This continued proactive approach has again proven to be successful with 27 filings in 2002. The caseload consistently ranged between 20 – 25 cases throughout 2002. In October, a major success was achieved when a leader of a notorious criminal street gang was successfully prosecuted. The jury returned guilty verdicts to all counts, including first-degree murder. Additionally, they found all gang enhancements and gun allegations to be true. He is expected to receive multiple life sentences.

In November, a hard-core member of another vicious gang was tried and convicted of aiding and abetting a double murder of rival gang members. Back in 1997, four of his fellow gang members drove to a party that was being attended by their rivals. They shot and killed two 15 year olds, shot and crippled a third victim, and shot and injured a fourth victim. The jury returned two guilty verdicts of first-degree murder and two guilty verdicts of attempted murder against this gang member. They found the special circumstance of multiple murders to be true and also found the gang allegations to be true. One of the gang members received 42 years to life and the other received a life sentence without the possibility of parole.

In addition to jury trials and gang suppression, the Westminister TARGET Unit has continued to give presentations to enlighten other law enforcement agencies on Asian gangs and on the TARGET concept. In June, unit members gave a presentation on the TARGET program at the Juvenile Justice and Delinquency Prevention Seminar in Florida. In July they presented at the 2002 California Gang Investigators Conference at the Anaheim Marriott to an audience of approximately 300 gang investigators representing agencies statewide. In August a presentation was made at the Attorney General’s Organized Crime Prevention Seminar in Sacramento. Unit members taught classes for the Office of the District Attorney at the Gang Unit and new deputy training programs. They have also guest lectured at California State University, Fullerton.

### Westminister Unit Activity - 2002

<b>Average Number of TARGETs</b>	<b>99.25</b>
<b>STEP Notifications (Total)</b>	<b>129</b>
<b>Search Warrants</b>	<b>7</b>
<b>Warrant Locations Searched</b>	<b>8</b>
<b>Firearms Seized</b>	<b>5</b>
<b>TARGET Arrests</b>	<b>30</b>
<b>nonTARGET Arrests</b>	<b>121</b>
<b>TARGET Cases Filed</b>	<b>27</b>
<b>TARGET Cases Cleared</b>	<b>24</b>
<b>Trials Completed</b>	<b>3</b>
<b>Percent Kept In Custody</b>	<b>91.1%</b>
<b>Sentenced - Prison/CYA</b>	<b>20</b>
<b>Sentenced - Local Institution</b>	<b>12</b>
<b>Avg. Probation TARGET Caseload</b>	<b>13.25</b>
<b>Avg. TARGETs on Gang Terms</b>	<b>10</b>
<b>Avg. Probation nonTARGET Caseload</b>	<b>17.75</b>
<b>Total Probation Contacts</b>	<b>642</b>
<b>Total Probation Violations Filed</b>	<b>24</b>



## CUMULATIVE SUMMARY OF TARGET PROGRAM ACHIEVEMENTS

Between 1995 and 1997, the number of TARGET units increased from 7 to 11. The 11 TARGET units were in place until September 1998, when a twelfth unit was added in North County. Lower caseloads in existing TARGET jurisdictions allowed for the reallocation of resources to cities that had desired a TARGET team. In the latter part of 2000, a part-time unit was added in Tustin. In April 2002, the Costa Mesa TARGET unit was disbanded and staff were reassigned. In mid-2002, funding ceased for one of the four Santa Ana TARGET teams. This brought the total number of units to eleven by the end of 2002. Finally, several cities reduced their participation in the North County TARGET Unit. Some of the statistical changes described below are due to the reduction of teams and reallocation of resources. Some of the changes are due to revisions in reporting procedures. **Year-to-year comparisons must be viewed with caution. All numbers come from compilation of monthly self-reports by police agencies, probation officers and prosecutors. 4**

Before discussing the summary statistics, the Costa Mesa numbers for the first quarter of 2002 need to be mentioned, as they are included in the totals. There were around 130 identified gang members on the Costa Mesa TARGET list. There were 22 "targeted" probations and the probation officer had made over 100 searches, about 140 contacts, and had filed 17 probation violations in the first quarter. The prosecutor had filed 21 cases and accepted 16 pleas. The prosecutor had removed five gang members from the streets to state penal institutions and another 24 to local jails.

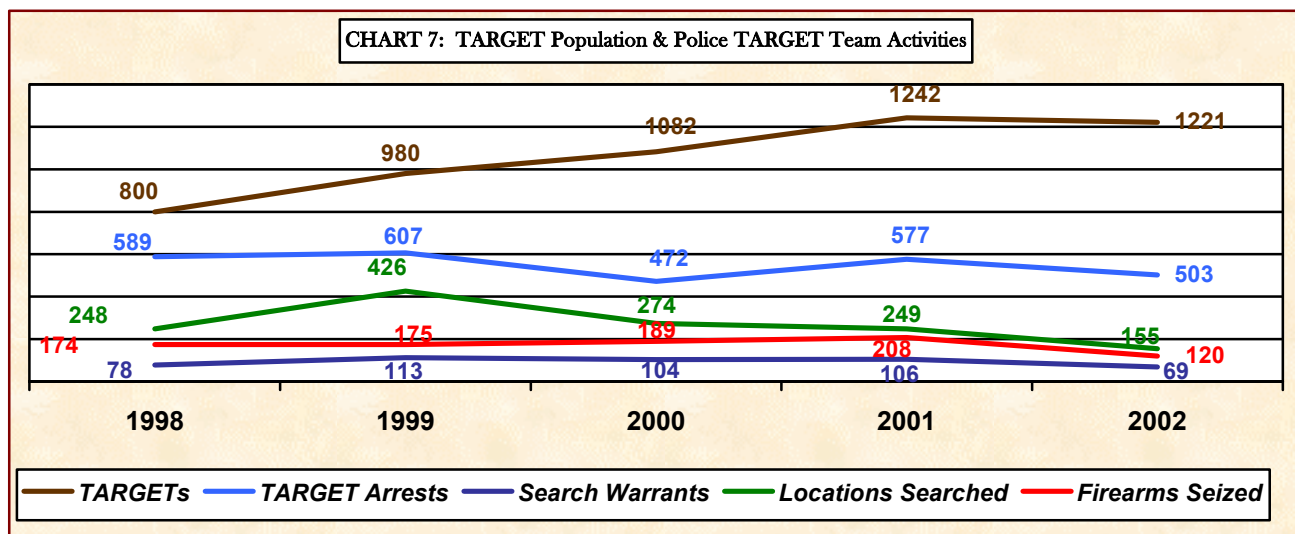
**TABLE 4**  
**TARGET Populations and Police TARGET Team Activities**  
**1998 – 2002**

	1998	1999	2000	2001	2002	% Change 2001-2002	% Change 1998-2002
<b>TARGET Population</b>							
Beginning of Year	696	922	898	1214	1480	21.9%	112.6%
Additions	617	365	425	321	289	-10.0%	-53.2%
Number Made Inactive	513	307	241	293	557	90.1%	8.6%
End of Year Count	800	980	1082	1242	1221	-1.7%	52.6%
<b>TARGET Arrests</b>							
Felonies	333	355	319	451	433	-4.0%	30.0%
Misdemeanors	256	252	153	126	70	-80.0%	-265.7%
<b>Major Arrest Types</b>							
Assault	32	47	60	71	35	-102.9%	8.6%
Narcotics-Possess/Sell	26	82	61	54	62	12.9%	58.1%
Weapons	40	100	53	78	79	1.3%	49.4%
Probation Violation	353	342	199	237	321	26.2%	-10.0%
<b>NonTARGET Arrests *</b>							
Felonies	1348	1315	928	999	924	-7.5%	-31.5%
Misdemeanors	2148	1486	810	646	422	-34.7%	-80.4%
STEP Notifications	976	986	965	1171	422	-64.0%	-56.8%
Search Warrants	78	113	104	106	69	-34.9%	-11.5%
Locations	248	426	274	249	155	-37.8%	-37.5%
Firearms Seized	174	175	189	208	120	-42.3%	-31.0%

- NonTARGET Arrests are of gang members who are arrested with a targeted gang member.

4 Previous sections on TARGET teams included activity by non-TARGET units with targeted gang members: for example, if the Homicide Unit had contact with a targeted gang member it was included in the individual unit reports. This section includes TARGET unit activities ONLY.

The number of targeted gang members increased in 2002 even as the number of teams decreased, as several Teams reviewed their lists of targeted gang members and added to them. As the year went on, new members replaced those moved to “inactive” lists. The total number of identified, active gang members has risen from 800 at the end of 1998 to a peak 1,242 at the end of 2001. By the end of 2002 there were 1,221 targeted gang members. This is a slight decrease of less than 2% from the end of 2001, and an increase of over 52% above 1998.



The number of arrests of targeted gang members in 2002 decreased 13% overall. There was a small decrease in felony arrests (4%), and very large drop in the number of misdemeanor arrests. Arrests of non-targeted gang members (usually those accompanying arrested “targets”) followed the same pattern; the decrease in felony arrests for non-target defendants was much smaller than the decrease in misdemeanor arrests. The amount of decrease seems proportionate to the known decrease in police resources.

The most frequent arrest offenses were similar to previous years: assault, narcotics possession or sales, weapon offenses, and probation violations. Narcotics, weapon offenses, and probation violations increased, while assault cases decreased. The decrease in assaults was the first decrease after four consecutive increases, while the number of arrests on weapons charges was essentially the same high level as in 2001 (see table 4, above). The number of search warrants and the number of locations searched were significantly lower than in 2001 and continued a declining trend begun in 2000. TARGET teams removed 120 more firearms from the streets of Orange County in 2002, making the number of firearms removed in the past five years to 866.

TARGET deputy district attorneys again concentrated on filing cases against targeted gang members, and non-targeted co-defendants in cases involving targeted gang members. Filings of criminal charges against targeted gang members by TARGET deputy district attorneys in 2002 totaled 358. While this continued the declining trend since 1998, this year’s decline is attributable more to having two fewer prosecutors rather than having already filled caseloads as in previous years. The number of pending cases at the end of 2002 was lower by nearly 17% from last year, but the number per prosecutor only dropped from 18.23 to 18.00.

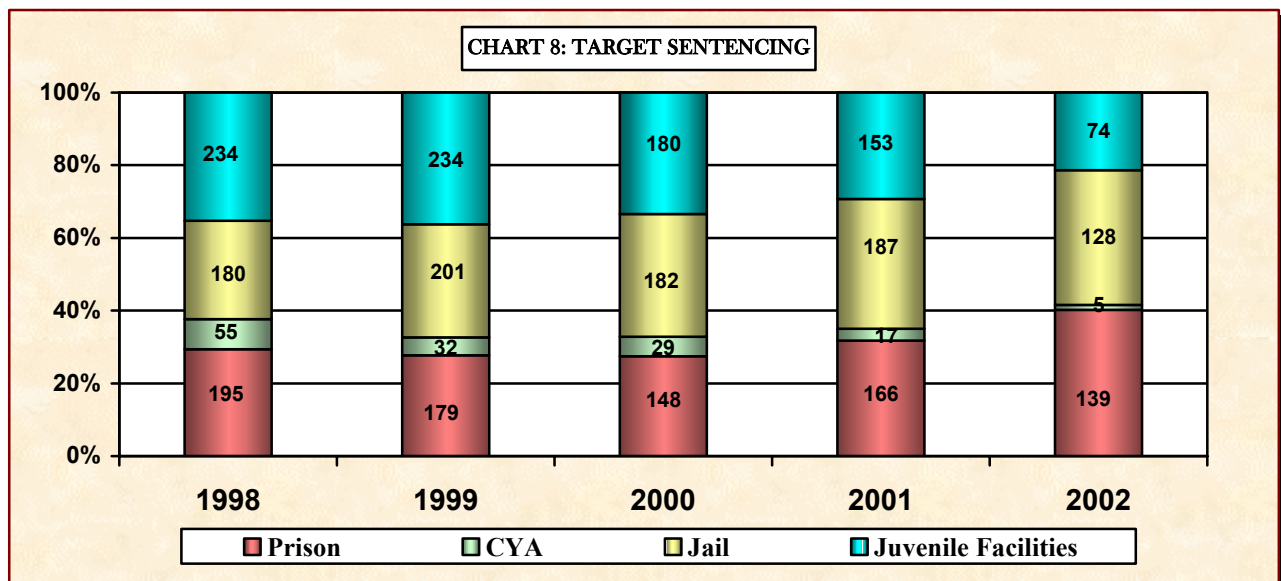
**Table 5**  
**TARGET Filings and Dispositions**  
**1998-2002**

	1998	1999	2000	2001	2002	% Change 2001-02	% Change 1997-01
<b>TARGET Filings</b>	746	661	534	493	358	-27.4%	-52.0%
<b>nonTARGET Filings <sup>(1)</sup></b>	72	90	91	91	43	-52.7%	-40.3%
<b>Average Pending Cases</b>	247	241	237	237	198	-16.5%	-19.8%
<b>Percent In Custody</b>	90.8%	78.3%	71.9%	76.8%	84.0%		
<b>Adult Trials <sup>(2)</sup></b>	36	52	22	23	29	26.1%	-19.4%
<b>Percent Convictions</b>	88.9%	86.5%	81.8%	86.9%	79.2%		
<b>Juvenile Trials <sup>(2)</sup></b>	56	36	24	6	9	50.0%	-83.9%
<b>Percent Convictions</b>	73.2%	100.0%	66.7%	100.0%	44.4%		
<b>Pleas</b>	558	480	476	375	298	-20.5%	-46.6%
<b>Probation Violations Sustained</b>	134	134	99	130	48	-63.0%	-64.0%
<b>Prison Commitments</b>	195	179	148	166	139	-16.3%	-28.7%
<b>CYA Commitments</b>	55	32	29	17	5	-240.0%	-64.6%
<b>Jail Commitments</b>	180	201	182	187	128	-31.6%	-28.9%
<b>Commitments to Juvenile Facility</b>	234	234	180	153	74	-51.6%	-68.4%

(1) Filings by TARGET DDAs against gang members arrested with targeted individuals, usually co-defendants.

(2) Adult and Juvenile Trials are reported by defendant, rather than by case.

Deputies in TARGET Units conducted 29 adult trials, six more than in 2001, but the number of pleas obtained dropped more than 20%, to 298. Again, the many personnel changes and decrease in staff overall were probably the major factors in the decrease in completions reported. There was a considerable drop in the number of probation violations that were sustained. The 48 sustained violations reported in 2002 was a 63% decrease over 2001, and the lowest number of sustained probation violations in five years. Some of this drop can be attributed to personnel changes and reallocation in the probation area.



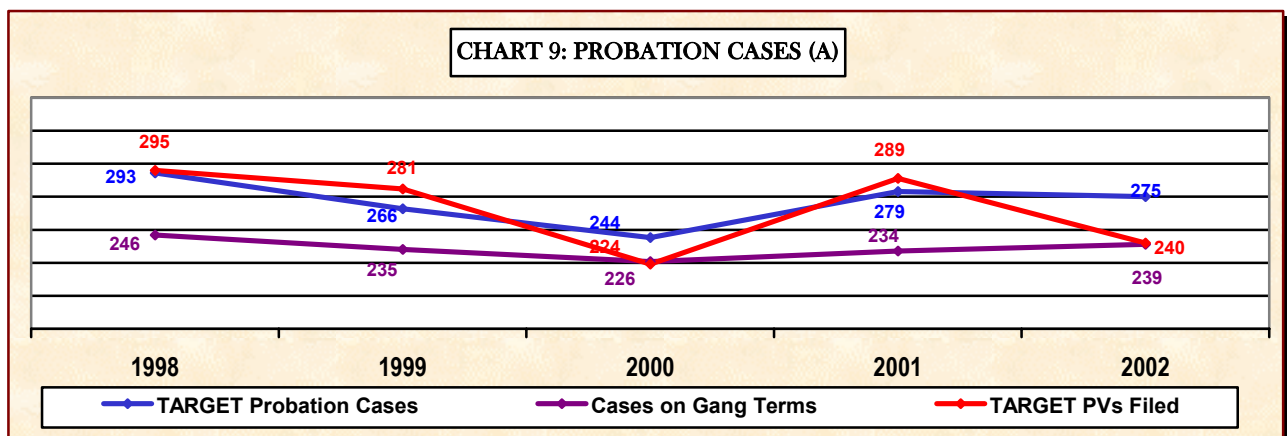
One hundred thirty-nine targeted defendants were sentenced to state institutions during 2002, a decrease in number from 2001, but an increase in the proportion of state commitments to other sentences (see chart 9). There was a substantial decrease in commitments to CYA for juvenile offenders, and a 17% decrease in state prison commitments for adult offenders. Likewise, the number of juveniles sentenced to local commitments decreased substantially, while the number of jail commitments also decreased. In part, this is a reflection of the increasing proportion of adult gang members. As noted at the beginning of this report, fewer than 5% of gang members listed in the CalGangs system are juveniles, versus over 8% in 1999.

**Table 6**  
**TARGET Probation Caseload**  
**1998-2002**

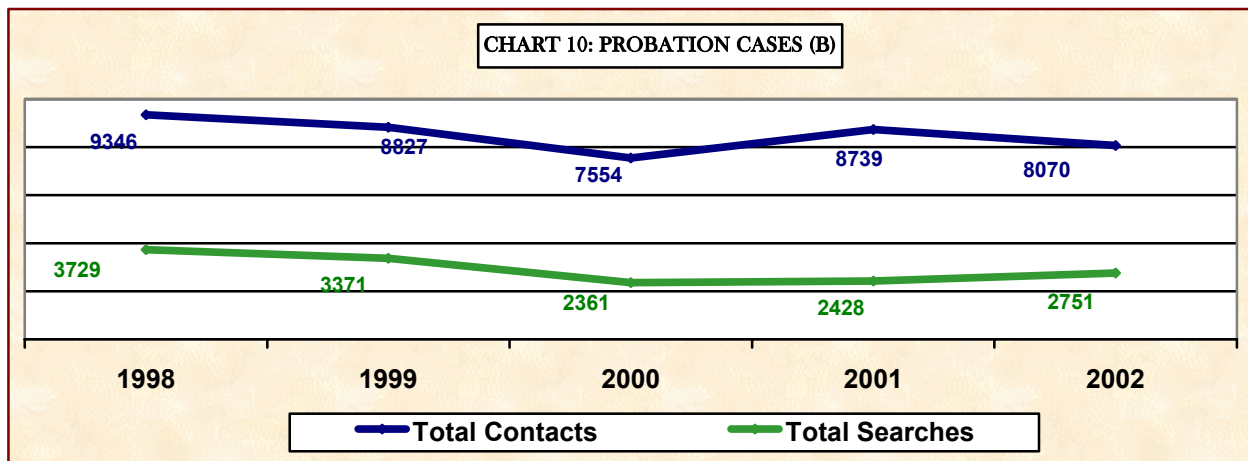
	1998	1999	2000	2001	2002	% Change 2001-02	% Change 1998-02
<b>TARGET Cases <sup>(1)</sup></b>	293	266	244	279	275	-1.4%	-6.1%
<b>% on Gang Terms</b>	84.0%	88.3%	88.1%	81.4%	86.9%		
<b>NonTARGET Cases</b>	220	178	201	281	209	-25.6%	-5.0%
<b>% on Gang Terms</b>	77.7%	83.7%	67.7%	65.5%	71.3%		
<b>Contacts</b>							
<b>TARGETs</b>	4,797	4,817	3,890	4,256	4,153	-2.4%	-13.4%
<b>NonTARGETs</b>	4,549	4,010	3,664	4,483	3,917	-12.6%	-13.9%
<b>Searches</b>							
<b>TARGETs</b>	2,102	1,919	1,406	1,253	1,390	10.9%	-33.9%
<b>NonTARGETs</b>	1,627	1,452	955	1,175	1,361	15.8%	-16.3%
<b>Probation Violations Filed</b>							
<b>TARGETs</b>	295	281	224	289	240	-17.0%	-18.6%
<b>NonTARGETs</b>	295	218	147	197	176	-10.7%	-40.3%

(1) Caseloads are the total number of active cases reported in December of each year.

The TARGET probation officers cumulatively supervised a caseload of approximately 275 targeted gang members during 2002. This was a minimal decrease from 2001 and the third highest level reported in recent years. The percentage of targeted probationers on formal gang terms of probation rose to 87%. The TARGET probation officers also supervised approximately 209 non-targeted gang members, while this is substantial decrease from last year's record high, it is similar to the other years reported.



The caseloads led to high numbers of contacts, over 4,150 of “targets” and nearly 4,000 of “non-targets.” While the total number of contacts decreased somewhat from last year, the average number of contacts per probationer over the course of the year was 16.7, slightly higher than in 2001. Searches of both “targets” and “non-targets” increased moderately (11% and 16%). The total number of searches was the highest since 1999. As the chart below shows, the total number of probation violations filed against targets in 2002 dropped considerably from 2001, and was above to the lower level of 2000.



## CONCLUSION

Gang crime has shown some initial indications of resurging in Orange County despite the significant time, energy, and resources devoted by the Office of the District Attorney, in collaboration with local police agencies, the Sheriff’s Department, and the Probation Department. The Board of Supervisors and the residents have supported these efforts and their support is greatly appreciated and has greatly encouraged those involved in these efforts. The ability to maintain this level of effort is being seriously challenged by the limitation of resources brought about by the current fiscal crisis. Some of the increases in crime and membership figures and decreases in prosecutions and probation supervision activities can be attributed to decreases in resources that have already occurred. These negative impacts should serve as a reminder of the need to remain vigilant and committed in combating gang crime and a warning of what could occur if resources are shifted away from this fight.

The statistics reported here indicate that this devotion of resources continues to significantly impact gang crime. They also suggest that the gains achieved can be lost without continued devotion of hard-to-find resources. The narratives of specific cases reinforce both the significance of removing these predators from our streets and the need for continued vigilance.

Finally, the high level of professionalism and expertise of all the personnel involved in the DA Gang Unit, the TARGET program, and by all the dedicated personnel of the law enforcement agencies, probation, victim-witness, and the courts who are involved in these efforts must be recognized and applauded. The vision of agency heads, the cooperation between agencies fostered by supervisors and managers, and the energy and dedication of the professionals directly working on anti-gang teams has led to the removal of many vicious criminals from the streets of Orange County. Many residents of Orange County owe their ability to walk these streets and play in local parks in safety to the devotion and caring of these many individuals.

## **MISSION STATEMENT OF THE TRI-AGENCY RESOURCE GANG ENFORCEMENT TEAM (TARGET) PROGRAM**

- 1) To promote maximum communication and coordination among the agencies involved in gang suppression activities: Law Enforcement, the District Attorney's Office, and the Probation Department.
- 2) To identify and target violent gangs and those gang leaders with the most frequent and violent criminal behavior.
- 3) To remove the most dangerous gangs and gang members from our community by:
  - A. Implementing proactive investigation and prosecution techniques for targeted gang members.
  - B. Vertical investigation and prosecution of gang violence by targeted gang members.
  - C. Maximum appropriate sentencing for criminal convictions, including parole or probation violations by targeted gang members.
- 4) To expand the TARGET Teams to other areas of high gang activity to further reduce gang crime.
- 5) To endeavor to dissuade youth from gang membership, thus reducing gang violence and victimization, by:
  - A. Gang prevention programs.
  - B. Parenting education.
  - C. Increasing public awareness of gang issues.



## **MISSION STATEMENT OF THE GANG UNIT OF THE OFFICE OF THE DISTRICT ATTORNEY**

- 1) To remove the most dangerous gangs and gang members from our community by:
  - A. Vertical investigation and prosecution of gang violence by gang members.
  - B. Maximum appropriate sentencing for criminal convictions, including parole or probation violations by gang members.
- 2) To organize the Gang Unit of the Orange County District Attorney's Office to maximize the efficiency of gang investigators and prosecutors by:
  - A. Dividing the County geographically and assigning Deputy District Attorneys and District Attorney Investigators to specific cities in order to establish relationships with the police investigators within their assigned city/cities.
  - B. Using these relationships to develop knowledge and expertise among the prosecutors and investigators regarding the specific gangs functioning within their assigned city/cities.
  - C. Combining the knowledge and expertise gained about specific gangs with a vertical prosecution strategy to ensure the highest level of successful prosecution and the maximum sentencing possible.
- 3) To provide back-up availability to the TARGET Teams by making Deputy District Attorneys and District Attorney Investigators available for filing and prosecuting those non-targeted gang members arising as defendants from TARGET Team arrests.
- 4) To establish a true vertical Gang Unit by pairing one Deputy District Attorney and one District Attorney Investigator to create a strong and effective prosecutorial team.
- 5) To provide sufficient paralegal and clerical support for our Gang Unit prosecutors.
- 6) To facilitate the collaborative efforts between the Office of the District Attorney, the Orange County Department of Education, and city, county and state law enforcement agencies in order to reduce gang violence on Orange County school campuses.